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City and County of San Francisco

Meeting Agenda

Land Use Committee

Members: Jake McGoldrick, Sophie Maxwell and Tom Ammiano

Acting Clerk: Linda Laws

Monday, February 24, 2003 | **1:00 PM** | **City Hall, Room 263**

Regular Meeting

Note: Each item on the Consent or Regular agenda may include the following documents:
1) Legislation
2) Budget Analyst report
3) Legislative Analyst report
4) Department or Agency cover letter and/or report
5) Public correspondence
These items will be available for review at City Hall, Room 244, Reception Desk.

Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding City representatives, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance.

AGENDA CHANGES

REGULAR AGENDA

1. **030029** **[Authorizing MTA to proceed with CM/GC project delivery method for Muni Metro East Project]**
Ordinance exempting the Municipal Transportation Agency (MTA) from subcontractor listing requirements of Administrative Code Chapter 6 for the proposed construction of the Muni Metro East Light Rail Vehicle Maintenance and Operations Facility Project; and authorizing the MTA to take all necessary steps to procure such work through a CM/GC contract duly awarded pursuant to this Ordinance. (Municipal Transportation Agency)

(No Public Benefit Recipient.)

1/13/03, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.
2/4/03, TRANSFERRED to Land Use Committee. New committee structure 2/17/03.

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2. 030146 [Changing Official Width of Sidewalk]

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section No. 1558 to change the official sidewalk width at the southeast and southwest corners of Woodside and Idora Avenues; making findings pursuant to the General Plan and Planning Code Section 101.1; and requiring relocation, modification, or both of facilities affected by the sidewalk width changes. (Public Works Department)

(No Public Benefit Recipient.)

2/7/03, RECEIVED AND ASSIGNED to Land Use Committee.

3. 021859 [Precautionary Principle]

Supervisors Peskin, Gonzalez, Sandoval, Ammiano, Daly, McGoldrick, Ma

Resolution supporting the precautionary principle and requesting the Department of the Environment to prepare and submit legislation proposing the adoption of the precautionary principle as a general City policy and integrating a precautionary principle approach into the City's existing process for the purchase of commodities for the Board of Supervisors' consideration.

11/4/02, RECEIVED AND ASSIGNED to Rules and Audits Committee. 12/6/02-Supervisor Peskin assume the position of lead sponsor. (Former Supervisor Mark Leno vacated his position and can no longer be a sponsor.)
2/5/03, TRANSFERRED to Land Use Committee. New committee structure 2/17/03.

4. 030097 [Designate the 1338 Filbert Street Cottages as a Landmark]

Supervisors Peskin, Daly, Ammiano, Gonzalez, Sandoval, McGoldrick, Hall

Ordinance amending Appendix A of Planning Code Article 10 to designate the 1338 Filbert Street Cottages as Landmark No. 232.

1/21/03. RECEIVED AND ASSIGNED to Transportation and Commerce Committee.
2/4/03, TRANSFERRED to Land Use Committee. New committee structure 2/17/03.

5. 011576 [Amending Section 6.12 of the Park Code]

Supervisor Gonzalez

Ordinance adding Section 6.12 to the San Francisco Park Code to prohibit motor vehicle traffic in Golden Gate Park on Saturdays on John F. Kennedy Drive between Kezar and 8th Ave.; Arguello Blvd.; Conservatory Drive East and Conservatory Drive West; and Bowling Green Drive between John F. Kennedy Drive and Middle Drive East.

8/27/01, RECEIVED AND ASSIGNED to Neighborhood Services and Parks Committee.
10/3/01, TRANSFERRED to Housing, Transportation and Land Use Committee.
11/29/01, CONTINUED. Heard in Committee: Speakers: Supervisor Matt Gonzalez; Ted Lakey. Deputy City Attorney; Elizabeth Goldstein. Recreation and Park Department; Jerry Robbins, Department of Parking and Traffic; Michael Smith; Patrick Kociolek, Academy of Sciences; David Snyder, Bicycle Advisory Committee; Carolyn MacMillan, de Young Museum; David Miles. Leah Shahum; Ron Miguel, PAR; Frank Noto; Jane Morrison. S.F. Tomorrow; Susan Latham, Haight Ashbury Neighborhood; Ted Thompson, Stanyan Fulton Neighborhood Association; Frances Larraqueta. Golden Gate Heights Neighborhood Association; Tara Housman; Julie Soller; Chris Duderstadt. SF Park Commission; Susan King, Green Party; Mike Leo, Friends of Rec/Park; James Morrison, Bicycle Advisory Committee; Greg Hayes; Mark Gruberg; Mr. Edmond. BBE/SF AIDS Foundation; Male Speaker; Tomasita Medal; Chooi Eng Grosso, Sunset Heights Association of Responsible People; Ron Dudum; John Laskin.
Continued to 1/24/02.
1/24/02, CONTINUED TO CALL OF THE CHAIR. Heard Committee. Supervisor Matt Gonzalez; Supervisor Tom Ammiano; Paul Maltzer, Planning Department; Susan King, SF Green Party; Leah Shahum. SFBC; Sandy Linder; Chris Duderstadt; David Miles, Jr.; Joe Fusco. People for a New de Young; Stephen Willis; Elizabeth Goldstein. Recreation and Park Department; Collene Kilduff. Academy of Sciences; Female Speaker.
2/1/02, TRANSFERRED to Neighborhood Services and Recreation Committee. New committee structure.
2/4/03, TRANSFERRED to Land Use Committee. New committee structure.

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ADJOURNMENT

IMPORTANT INFORMATION

NOTE: Persons unable to attend the meeting may submit to the City, by the time the proceedings begin, written comments regarding the agenda items above. These comments will be made a part of the official public record and shall be brought to the attention of the Board of Supervisors. Any written comments should be sent to: Committee Clerk of the Land Use Committee, San Francisco Board of Supervisors, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102 by 5:00 p.m. on the day prior to the hearing. Comments which cannot be delivered to the committee clerk by that time may be taken directly to the hearing at the location above

NOTE:
Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the general plan amendments or planning code and zoning map amendments described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

LEGISLATION UNDER THE 30-DAY RULE

(Not to be considered at this meeting)

Rule 5.40 provides that when an ordinance or resolution is introduced which would CREATE OR REVISE MAJOR CITY POLICY, the committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction. The provisions of this rule shall not apply to the routine operations of the departments of the City or when a legal time limit controls the hearing timing. In general, the rule shall not apply to hearings to consider subject matter when no legislation has been presented, nor shall the rule apply to resolutions which simply URGE action to be taken.

030221 **[Residential Rentals]**
Supervisor Peskin
Ordinance amending Administrative Code Chapter 49 "Security Deposits for Residential Rental Property," by amending Section 49.2 to provide that the annual landlord interest payments on security deposits shall be calculated at the interest rate in effect when an annual interest payment is due, and that any required pro rata interest payment shall be calculated at the interest rate in effect when that pro rata payment is due.

2/11/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 3/13/2003.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board has several standing Committees where ordinances and resolutions are the subject of hearings at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.
Board procedures do not permit: 1) persons in the audience at a Committee meeting to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers, and similar sound-producing electronic devices; 3) signs to be brought into the meeting or displayed in the room; 4) standing in the meeting room.
Citizens are encouraged to testify at Committee meetings and to write letters to the Clerk of a Committee or to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.
Agenda are available on the internet at www.sfgov.org/bdsupvrs.bos.htm.
THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT CITY HALL, ROOM 244, RECEPTION DESK.
Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 557-4293.
Requests for language translation at a meeting must be received no later than noon the Friday before the meeting. Contact Ohn Myint at (415) 554-7704.
AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

翻譯 *必須在會議前最少四十八小時提出要求*
請電 (415) 554-7701

Disability Access

Both the Committee Room (Room 263) and the Legislative Chamber are wheelchair accessible. The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.
There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.
All meetings are real-time captioned and are cablecast open-captioned on SF Cable 26.
The following services are available when requested 48 hours before the Committee meeting. This advance notice will help ensure availability.
· For American Sign Language interpreters or use of a reader during a meeting, contact Ohn Myint at (415) 554-7704.
· For a large print copy of agenda or minutes in alternative formats, contact Annette Lonich at (415) 554-7706.
· Assistive listening devices are available from the receptionist in the Clerk of the Board's Office, Room 244, prior to the meeting.
· The Clerk of the Board's Office TTY number is (415) 554-5227.

In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The Sunshine Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Donna Hall; by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at Donna.Hall@sfgov.org
Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Hall or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfgov.org/sunshine.htm

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

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City and County of San Francisco
Meeting Minutes
Land Use Committee

Members: Jake McGoldrick, Sophie Maxwell and Tom Ammiano

Acting Clerk: Linda Laws

Monday, February 24, 2003 | **1:00 PM** | **City Hall, Room 263**

Regular Meeting

Members Present: Jake McGoldrick, Sophie Maxwell, Tom Ammiano.

MEETING CONVENED

The meeting convened at 1:07 p.m.

REGULAR AGENDA

030029 **[Authorizing MTA to proceed with CM/GC project delivery method for Muni Metro East Project]**
Supervisor Ammiano
Ordinance exempting the Municipal Transportation Agency (MTA) from subcontractor listing requirements of Administrative Code Chapter 6 for the proposed construction of the Muni Metro East Light Rail Vehicle Maintenance and Operations Facility Project; and authorizing the MTA to take all necessary steps to procure such work through a CM/GC contract duly awarded pursuant to this Ordinance. (Municipal Transportation Agency)

(No Public Benefit Recipient.)
1/13/03, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.
2/4/03, TRANSFERRED to Land Use Committee. New committee structure 2/17/03.
Heard in Committee. Speakers: Vince Harris, MUNI; Sarah Graham, Budget Analyst's Office. Supervisor Maxwell requested to be added as a co-sponsor.
AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.
RECOMMENDED AS AMENDED by the following vote:
Ayes: 3 - McGoldrick, Maxwell, Ammiano

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030146 **[Changing Official Width of Sidewalk]**

Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section No. 1558 to change the official sidewalk width at the southeast and southwest corners of Woodside and Idora Avenues; making findings pursuant to the General Plan and Planning Code Section 101.1; and requiring relocation, modification, or both of facilities affected by the sidewalk width changes. (Public Works Department)

(No Public Benefit Recipient.)

2/7/03, RECEIVED AND ASSIGNED to Land Use Committee.

Heard in Committee. Speaker: John Martin, Department of Public Works.

RECOMMENDED by the following vote:

Ayes: 3 - McGoldrick, Maxwell, Ammiano

021859 **[Precautionary Principle]**

Supervisors Peskin, Gonzalez, Sandoval, Ammiano, Daly, McGoldrick, Ma, Maxwell

Resolution supporting the precautionary principle and requesting the Department of the Environment to prepare and submit legislation proposing the adoption of the precautionary principle as a general City policy and integrating a precautionary principle approach into the City's existing process for the purchase of commodities for the Board of Supervisors' consideration.

11/4/02, RECEIVED AND ASSIGNED to Rules and Audits Committee. 12/6/02-Supervisor Peskin assume the position of lead sponsor. (Former Supervisor Mark Leno vacated his position and can no longer be a sponsor.)

2/5/03, TRANSFERRED to Land Use Committee. New committee structure 2/17/03.

Heard in Committee. Speakers: Supervisor Aaron Peskin; Jared Blumenfeld, Department of the Environment; Merijane Block, The Breast Cancer Fund; Jeff Mendelsohn, New Leaf Paper.

Supervisor Maxwell requested to be added as a co-sponsor.

RECOMMENDED by the following vote:

Ayes: 3 - McGoldrick, Maxwell, Ammiano

030097 **[Designate the 1338 Filbert Street Cottages as a Landmark]**

Supervisors Peskin, Daly, Ammiano, Gonzalez, Sandoval, McGoldrick, Hall

Ordinance amending Appendix A of Planning Code Article 10 to designate the 1338 Filbert Street Cottages as Landmark No. 232.

1/21/03, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

2/4/03, TRANSFERRED to Land Use Committee. New committee structure 2/17/03.

Heard in Committee. Speakers: Supervisor Aaron Peskin; Charles Chase, SF Architectural Heritage; Joe Butler, Little House Committee; Robert Gallagher; Winifred Siegel; Claire McGhee, Russian Hill Neighbors; Gerry Crowley, Telegraph Hill Dwellers; Francisco Centurion, Russian Hill Neighbors; Judith Hoyem, Small House Committee; Paul Finwall, Landmarks Preservation Advisory Board; Debra Stein, GCA Strategies; Jerry DeMartini; Penelope Clark, Russian Hill Neighbors; Edward Madigan; Marjorie Leet Ford; Dr. Robert Squeri; Lindsay Phillips.

Supervisor Peskin submitted an amendment of the whole bearing same title.

Supervisor Maxwell requested to be added as a co-sponsor.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

Continued to 3/3/03.

CONTINUED AS AMENDED by the following vote:

Ayes: 3 - McGoldrick, Maxwell, Ammiano

011576 **[Amending Section 6.12 of the Park Code]**
Supervisor Gonzalez

Ordinance adding Section 6.12 to the San Francisco Park Code to prohibit motor vehicle traffic in Golden Gate Park on Saturdays on John F. Kennedy Drive between Kezar and 8th Ave.; Arguello Blvd.; Conservatory Drive East and Conservatory Drive West; and Bowling Green Drive between John F. Kennedy Drive and Middle Drive East.

8/27/01, RECEIVED AND ASSIGNED to Neighborhood Services and Parks Committee.

10/3/01, TRANSFERRED to Housing, Transportation and Land Use Committee.

11/29/01, CONTINUED. Heard in Committee: Speakers: Supervisor Matt Gonzalez; Ted Lakey, Deputy City Attorney; Elizabeth Goldstein, Recreation and Park Department; Jerry Robbins, Department of Parking and Traffic; Michael Smith; Patrick Kociolek, Academy of Sciences; David Snyder, Bicycle Advisory Committee; Carolyn MacMillan, de Young Museum; David Miles, Leah Shahum; Ron Miguel, PAR; Frank Noto; Jane Morrison, S.F. Tomorrow; Susan Latham, Haight Ashbury Neighborhood; Ted Thompson, Stanyan Fulton Neighborhood Association; Frances Larraqueta, Golden Gate Heights Neighborhood Association; Tara Housman; Julie Soller; Chris Duderstadt, SF Park Commission; Susan King, Green Party; Mike Leo, Friends of Rec/Park; James Morrison, Bicycle Advisory Committee; Greg Hayes; Mark Gruberg; Mr. Edmond, BBE/SF AIDS Foundation; Male Speaker; Tomasita Medal; Chooi Eng Grosso, Sunset Heights Association of Responsible People; Ron Dudum; John Laskin.
Continued to 1/24/02.

1/24/02, CONTINUED TO CALL OF THE CHAIR. Heard Committee. Supervisor Matt Gonzalez; Supervisor Tom Ammiano; Paul Maltzer, Planning Department; Susan King, SF Green Party; Leah Shahum, SFBC; Sandy Linder; Chris Duderstadt; David Miles, Jr.; Joe Fusco, People for a New de Young; Stephen Willis; Elizabeth Goldstein, Recreation and Park Department; Collene Kilduff, Academy of Sciences; Female Speaker.

2/1/02, TRANSFERRED to Neighborhood Services and Recreation Committee. New committee structure.

2/4/03, TRANSFERRED to Land Use Committee. New committee structure.

Heard in Committee. Speakers: Supervisor Matt Gonzalez; John Kennedy, Deputy City Attorney; Paul Maltzer, Planning Department; Elizabeth Goldstein, Recreation and Parks Department; Maria Lombardi, Transportation Authority; Ron Dudum, Westside Democratic Club; Michael Smith, Walk San Francisco; Ron Miguel, PAR; James Beck, HANC; Pat Langdell, GGHNA; Mary Brown, SFBC; David Gartner; Josh Hart, SFBC; Michael Hughes; Keith Saggers, SFBC; Richard Coffin, Walk San Francisco; David Miles, California Outdoor Rollers; Tom Harriman, Alliance for Golden Gate Park; Frances Larragueta, GGHNA; Bert Hill; Kathleen Hannon; Chris Duderstadt; Carolyn Blair, SF Tree Council; Lainie Monsef; Bethany Morookian; CA Academy of Sciences; Jim Iverson; Sue Vaughan, Walk San Francisco; Helene Sung-Wee York, Friends of Recreation and Parks; Tomasita Medal, Park Access for All; Diana Hammons, Department of Parking and Traffic; Carolyn MacMillan, de Young Museum; Jean Lynch.

CONTINUED TO CALL OF THE CHAIR by the following vote:

Ayes: 3 - McGoldrick, Maxwell, Ammiano

ADJOURNMENT

The meeting adjourned at 4:09 p.m.

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[Budget Analyst Report]
Susan Hom
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CITY AND COUNTY OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

February 20, 2003

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TO: Land Use Committee

FROM: Budget Analyst

SUBJECT: February 24, 2003 Land Use Committee Meeting

Item 1 – File 03-0029

Departments: Municipal Transportation Agency (MTA)
Municipal Railway (Muni)

Item: Ordinance exempting the Municipal Transportation Agency (MTA) from subcontractor listing requirements of Administrative Code Chapter 6 for the proposed construction of the Muni Metro East Light Rail Vehicle Maintenance and Operations Facility Project; and authorizing the MTA to take all necessary steps to procure construction of the Muni Metro East Light Rail Vehicle Maintenance and Operations Facility Project through a Construction Manager/General Contractor (CM/GC) contract duly awarded pursuant to this ordinance.

Description: The proposed ordinance would exempt the MTA from the provision in the City's Administrative Code, Chapter 6, that requires bidders for construction contracts to identify the subcontractors at the time bids are submitted. According to Mr. John Fong of the MTA, the proposed exemption for the MTA would only apply to the contracting process for the construction of the Muni Metro East Light Rail Vehicle Maintenance and Operations Facility Project (Metro East Project), in which the general contractor would be exempted from listing its subcontractors at the time of bidding. Mr. Fong advises that a key long-term objective of the Third Street Light Rail Project, of which the Metro East Project is a part, is

to support economic revitalization of the communities along the Third Street Light Rail Line by generating additional contracting opportunities among Disadvantaged Business Enterprises (DBE)[1]. In order to generate these additional contracting opportunities, the MTA would use a Construction Manager/General Contractor (CM/GC) method that, according to Mr. Fong, would create subcontracts that may be two or three times greater than the number created by using a conventional construction method. Mr. Fong advises that this greater number of subcontracts would generate additional contracting opportunities for DBE participation.

Muni is constructing the Muni Metro East Light Rail Vehicle Maintenance and Operations Facility in order to provide for storage, maintenance and operation of up to 80 Muni light rail vehicles. This facility would support the new Third Street Light Rail Line, which is anticipated to be operational in the Fall of 2005. The Muni Metro East Light Rail Maintenance and Operations Facility would be located on a 13-acre site bounded by 25th Street, Illinois Street, Cesar Chavez Street and Louisiana Street.

Previously, Muni has awarded contracts using the Design/Bid/Build method, which complies with Chapter 6 of the City's Administrative Code. Under that conventional method, a construction project is first designed and the contract for the construction of the project is then advertised for competitive bid. The prime construction contractor and all the major subcontractors are selected at the same time through a public competitive bid process.

Under the proposed exemption, Muni would employ an alternate project delivery method called Construction Manager/General Contractor (CM/GC). This method would allow Muni to select a Construction Manager/General Contractor, or CM/GC, for the Metro East Project through a competitive Request for

[1] As defined by the Federal Transit Administration (FTA), "A DBE is a for-profit, small business concern (1) that is at least fifty-one percent (51%) owned by one or more individuals who are both socially and economically disadvantaged [as defined by the FTA], or, in the case of a corporation, in which fifty-one percent (51%) of the stock is owned by one or more socially and economically disadvantaged individuals; and (2) whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

Qualifications/Sealed Bid (RFQ/Sealed Bid) process without having to simultaneously identify the subcontractors.

Under the proposed RFQ/Sealed Bid process for the Metro East Project, interested Construction Managers/General Contractors would have to meet two levels of evaluation before being allowed to submit sealed bids. Level I would require bidders to submit written responses to a pre-qualification questionnaire that would be evaluated on a pass/fail basis. Those bidders passing the Level I evaluation would be authorized to participate in Level II, which would consist of an interview before a selection panel whose members would be designated by the MTA. Bidders receiving a minimum required score in the Level II evaluation would then be authorized to submit sealed bids. The bidder submitting the lowest responsive bid would be awarded the CM/GC contract.

The CM/GC that is awarded the contract would then publicly advertise the subcontracts for competitive bid and identify the lowest responsive, responsible bidders. Before awarding a subcontract to the lowest responsive, responsible bidder, the CM/GC would be required to obtain approval from the MTA Board of Directors, or the authorized Board's designee. Subcontracts not approved by the MTA Board of Directors, or its authorized designee, must undergo a subsequent competitive bid process. The CM/GC may be permitted by the MTA to perform a limited portion of the subcontract work, provided that the CM/GC submits the lowest responsive bids for such subcontracts. In the event that the CM/GC submits a bid for a subcontract, the MTA would conduct the bidding process. The CM/GC would assume the risk for financial overruns, schedule delays and quality of work for all of the subcontractors.

Budget:

Muni has provided a detailed expenditure budget for the Metro East Project totaling $166,557,765, including $111,087,000 for the actual construction of the Metro East Facility, as shown in Attachment I. Mr. Fong advises that $109,400,000 has been budgeted for the CM/GC contract and contract contingency, while the remaining $1,687,000 would fund other contracts and their contingencies.

In addition, Muni has provided a listing of funding sources for the Metro East Project, which is also shown in Attachment I. According to Mr. Fong, and as shown in Attachment I, the Metro East Project is expected to be funded using Federal, State and Proposition B funds. Mr. Fong advises that none of the City's General Fund monies would be obligated for the Metro East Project.

Comments:

1. According to Mr. Fong the RFQ/Sealed Bid process would begin in late March or mid-April of 2003, when the CM/GC contract would be advertised. Mr. Fong advises that the CM/GC contract would then be awarded during the Summer of 2003, after the selection process, as previously described, is completed. Mr. Fong further advises that the CM/GC would then prepare bid packages on which subcontractors would competitively bid. Once the first set of subcontracts are awarded, construction of the Metro East Project is anticipated to begin in the Fall of 2003 and is expected to be completed in the Fall of 2006.

2. Mr. Fong advises that a report prepared for Muni and the San Francisco County Transportation Authority entitled "National CM at-Risk Survey Report," which provides the opinions of officials from 23 public agencies across the country that used, or are using the CM/GC method, provides information on the potential benefits of using the CM/GC project delivery method. Mr. Fong reports that results from this survey indicate that officials at 16 of these 23 public agencies reported a higher construction quality relative to the conventional project delivery method. Mr. Fong also reports that another major benefit of using the CM/GC project delivery method, according to the "National CM At-Risk Survey Report," is that other public agencies have experienced greater participation by Disadvantaged Business Enterprises. The "National CM At-Risk Survey Report," however, does not provide specific quantifiable data to support the opinions of the public agency officials surveyed.

3. According to Mr. Fong, the CM/GC project delivery method is relatively new in the California public sector and Mr. Fong is not aware of any quantifiable data that

would document cost savings actually realized as a result of the CM/GC project delivery method for public works projects. However, Mr. Fong advises that the "National CM At-Risk Survey Report" found cost savings for 5 of the 23 public works projects.

4. As previously stated, the "National CM At-Risk Survey Report" found cost savings for some public works projects, according to Mr. Fong. However, Mr. Fong reports that there are no other quantifiable data currently available that documents specific costs savings by using the CM/GC project delivery method. Furthermore, for this specific Metro East Project, Mr. Fong advises, as explained in Attachment II in a memorandum, higher construction contracting costs are anticipated to result as compared to the conventional project delivery method because of the project objective of increasing DBE participation (see Comment No. 6). As explained in Attachment II by Mr. Fong, the CM/GC:

a. "must prepare a large number of individual subcontracting packages for public bidding."

b. "will conduct pre-qualification for certain trades prior to conducting public bidding since the CM/GC will be bounded by the ordinance to award each subcontract to the lowest responsive, responsible bidder."

c. "must conduct public bidding for each bid package."

d. "will increase staff (by about 50% ...) to a) perform items 1 to 3 above; b) administer the extra number of subcontracts; c) manage, supervise and coordinate the larger than usual number of subcontractors on site during the course of construction to ensure safety, quality control, cost and schedule control, etc."

e. "will be required to carry staff and other costs for about 3-4 months longer (compared to conventional method) due to requirements above."

f. "will not be allowed to self-perform much work, if... any, unlike the general contractor under the conventional method. Typically under the conventional method, the general contractor will also make its profits, etc. off of

mark ups on the 30% or more of the work that the contractor can do with its own forces." Such mark up profits would be recovered with a higher bid amount.

g. "will be required to conduct continuous outreach to the local community throughout the duration of construction (since some bid packages may not be advertised till [the] latter part of [the] contract) to promote DBE participation."

h. "will need to include some contingency money in its bid to cover unusual risks associated with specific project requirements. For example, Muni reserves the right to ask that bid packages be rebid."

Mr. Fong advises that "[a]ll of the above translates to increase in cost in implementing CM/GC method for the Metro East Project." Mr. Fong states "[a]n independent estimate performed by an outside construction firm (not bidding on the project) has estimated that the increase[d] costs could possibly be in the range of $5 million to $8 million, which is 5% [to] 8% above the estimated construction cost of $100 million." Mr. Fong, however, advises that "...the above estimated increase in cost is based on a normal bidding climate. With the favorable bids we have been receiving on other projects since the downturn of [the] economy last year indicating a better than normal bidding climate for the owner, there is a chance that the increased cost may not be as high as 5% to 8% if the bulk of major subcontracts can be bid out by [the] end of this year..."

5. In November of 2002 the Board of Supervisors approved a Construction Manager-At-Risk bid process for the Laguna Honda Hospital Replacement Project under the CM/GC method (File 02-1914).

6. Mr. Fong reports that the "National CM At-Risk Survey Report" found that this method of project delivery has resulted in (a) additional contracting for Disadvantaged Business Enterprises and (b) higher construction quality. However, it is difficult to quantify such benefits in order to demonstrate that the Metro East Project warrants a potential five to eight percent increase

in construction contract costs by using the CM/GC project delivery method.

Recommendation: Approval of the proposed ordinance is a policy matter for the Board of Supervisors.

Harvey M. Rose

cc: Supervisor McGoldrick
Supervisor Maxwell
Supervisor Ammiano
Clerk of the Board
Controller
Ben Rosenfield
Ted Lakey

Third Street Light Rail Transit Project
Initial Operating Segment

Cash Flow by Segment (Esc)

MME Summary Budget for CM-GC BOS Item

Cash Flow by Segment (Esc) *Revision #14 as of Jul 15, 2002*	Seg 433 Conceptual	Seg MME.1 Metro East Facility	Seg MME.2 MME Soils	Seg MME.4 Land Acquisition	Total MME
Cash Flow by Segment (Esc) Expenditures					
Total Planning Studies	2,801,676	-	-	-	2,801,676
Preliminary Engineering					
Support Costs					
Total City Staff	-	487,170	-	-	487,170
Total Consultants	-	2,153,367	-	-	2,153,367
SFC Transportation Authority	-	-	-	-	-
SFC TA Project Management Oversight	-	-	-	-	-
Insurance	-	-	-	-	-
Real Estate	-	-	-	-	-
Other Direct Costs	-	14,005	-	-	14,005
Subtotal, Support Costs	-	2,654,542	-	-	2,654,542
Contingency, Support Costs	-	-	-	-	-
Art Enrichment	-	-	-	-	-
Total, Support Costs	-	2,654,542	-	-	2,654,542
Total Preliminary Engineering	-	2,654,542	-	-	2,654,542
Detailed Design					
Support Costs					
Total City Staff	-	2,337,260	-	-	2,337,260
Total Consultants	-	5,459,786	-	-	5,459,786
SFC Transportation Authority	-	-	-	-	-
SFC TA Project Management Oversight	-	-	-	-	-
Insurance	-	-	-	-	-
Real Estate	-	-	-	-	-
Other Direct Costs	-	460,625	-	-	460,625
Subtotal, Support Costs	-	8,257,671	-	-	8,257,671
Contingency, Support Costs	-	170,000	-	-	170,000
Art Enrichment	-	-	-	-	-
Total, Support Costs	-	8,427,671	-	-	8,427,671
Total Detailed Design	-	8,427,671	-	-	8,427,671
Construction					
Construction Contracts					
CM/GC Total Contract Value	-	100,000,000		-	100,000,000
CM/GC Contract Contingency	-	9,400,000	-	-	9,400,000
Other Contracts[1]	-	1,600,000	4,291,683	-	5,891,683
Other Contract Contingency	-	87,000	505,000	-	592,000
Total, Construction Contract	-	111,087,000	4,796,683	-	115,883,683
Support Costs					
Total City Staff	-	5,726,168	555,676	-	6,281,844
Total Consultants	-	4,142,236	-	-	4,142,236
SFC Transportation Authority	-	-	-	-	-
SFC TA Project Management Oversight	-	-	-	-	-
Insurance	-	-	-	-	-
Real Estate	-	-	-	25,700,000	25,700,000
Other Direct Costs	-	321,877	430	-	322,307
Subtotal, Support Costs	-	10,190,280	556,106	25,700,000	36,446,387
Contingency, Support Costs	-	203,806	-	-	203,806
Art Enrichment	-	140,000	-	-	140,000
Total, Support Costs	-	10,534,086	556,106	25,700,000	36,790,192
Total Construction	-	121,621,086	5,352,790	25,700,000	152,673,876
Total Cash Flow by Segment (Esc) Expenditures	2,801,676	132,703,299	5,352,790	25,700,000	166,557,765

[1] For separate DTIS Installation, MIS Installation, Advanced Utilities Work

Metro East Funding Summary
As of 1/16/2003
Funding is escalated to year of programming
Funds in italics are allocated

FY	Amount	Source	Type	Grant	Intended Use
2002	$1,093,110	Federal Sec. 5309-FG	Federal	CA-03-0610	Construction
2002	$2,500,000	Federal STP	Federal	CA-90-Y124	Construction
2002	$4,000,000	State STP	Federal	CA-90-Y124	Construction
2002	$12,500,000	State STP	Federal	CA-90-Y124	Construction
2003	$22,447,850	Federal Sec. 5309-FG	Federal	Programmed	Construction
2004	$21,626,307	Federal Sec. 5309-FG	Federal	Programmed	Construction
2004	$2,500,000	Federal STP	Federal	Planned	Construction
2005	$940,588	Federal Sec. 5309-FG	Federal	Programmed	Construction
Subtotal Federal	$67,607,853	Precent Federal	40.6%		
1998	*$500,000*	*Prop 108*	*State*	*04F754-PT*	*Unk.*
2003	$7,500,000	State RIP	State	Planned	Construction
2004	$15,070,000	State RIP	State	Planned	Construction
Subtotal State	$23,070,000	Precent State	13.9%		
1990	*$725,000*	*SFMRIC*	*Local*	*SFMRIC #38*	*Former site*
1990	*$97,740*	*TIDF*	*Local*	*89-90*	*Former site*
1991	*$81,292*	*TIDF*	*Local*	*90-91*	*Former site*
1997	*$1,900,000*	*Prop B*	*Local*	*97-50-TA08*	*Former site*
2001	*$5,548,000*	*Prop B*	*Local*	*00-31-TA15d*	*Soil stabilization*
2001	*$25,700,000*	*Prop B*	*Local*	*00-52-TA02d*	*Land purchase*
2003	$14,028,600	Prop B	Local	Programmed	Construction
2003	$24,590,000	Prop B	Local	Programmed	Construction
2004	$3,209,280	Prop B	Local	Programmed	Construction
Subtotal Local	$75,679,912	Precent Local	45.6%		
Total	$166,357,765		100%		

Exlcudes funding for Metro East Facility Expansion project planned for 2006 and 2007.

Muni Construction Division • San Francisco Municipal Railway
1145 Market St., 5th Floor, San Francisco, CA 94103 • Phone: (415) 554-0785 Fax: (415) 554-3217

To: Mr. Salvador Sanchez
Budget Analyst's Office

From: John Fong
Muni

Date: February 12, 2003

SUBJECT: Muni Metro East Facility Project
Ordinance for CM/GC

In response to your request, I am writing to further clarify or comment on cost implications of implementing CM/GC project delivery method for the Metro East Project.

As previously stated in the Staff Report accompanying the proposed ordinance, Muni estimates that for the Metro East Project specifically, the contracting cost under the proposed CM/GC method could possibly be 5% to 8% higher than would be under the conventional Design-Bid-Build method. We derive this estimate after consulting with others experienced with the CM/GC method, including a reputable construction company who will be precluded from bidding on this project. This is not to say that as a rule, CM/GC methods will cost more than conventional method of project delivery. We have actually not come across any systematic surveys or studies performed to provide cost comparison for the California public sector since the CM/GC method is still relatively new with California public sector. But in so far as the Metro East Project is concerned, we anticipate there will be additional costs because of its specific project requirements.

The specific requirements or characteristics of the Metro East Project are as follows:

1) The CM/GC must prepare a large number* of individual subcontracting packages for public bidding. (Under conventional method, this preparation work would not be required of the general contractor.) This preparation will include:
   a. Analyzing appropriate divisions of work and actually physically sub-dividing the work, considering coordination and DBE participation issues.
   b. Drafting general conditions/contract languages for the subcontracting bid packages (in some cases, tailored to each bid package).
   c. Preparing separate bid schedule for each bid package
   d. Preparing separate engineering estimate for each bid package.
   e. Advertising each bid package
   f. Assembling, reproducing bid packages

* Based on other comparable sized projects with similar project objective of increasing opportunities for disadvantages business enterprises, the number of subcontracts could range from 50 to 70, which is 2x to 3x the normal number of subcontracts under conventional method for a similar type of project.

2) The CM/GC will conduct prequalification for certain trades prior to conducting public bidding since the CM/GC will be bounded by the ordinance to award each subcontract to

the lowest responsive, responsible bidder. Under the conventional method, the contractor have the latitude of picking his/her own subcontractors from a pool of experienced subcontractors he/she has worked with in the past without conducting open bidding, provided the price is right. The Metro East Project involves a number of specialty or major trades, including Structural Steel for special portal frames, Mechanical-Fire Protection, Electrical, Overhead Catenary system, Traction Power system, Train signal system, Communication system, Specialized shop equipment.

The prequalifications would be performed according to City guidelines, and would involve additional work on the part of the CM/GC that would normally not be required of the general contractor under the conventional method. The work includes issuances of RFQs, conducting prequalifcation conferences, evaluation of qualifications, etc.

3) The CM/GC must conduct public bidding for each bid package. The work includes
   a. Distributing plans/specifications
   b. Holding prebid conferences for bid packages
   c. Responding to inquires/questions from bidders
   d. Conducting bid opening
   e. Evaluating bids
   f. Responding to/Resolving bid protests
   g. Recommending award of lowest responsive, responsible bidder to Muni

   The preparation of bid packages and the conducting of bid opening may occur throughout the better part of the three-year construction period, since certain trades/skills, such as painting, would not be needed till the latter part of construction period. However, Muni will most likely require that all major trades be bid out within the first 6-8 months.

4) The CM/GC will increase staff (by about 50% given the number of bid packages are 2x to 3x the normal) to a) perform items 1 to 3 above; 2) administer the extra number of subcontracts; c) manage, supervise and coordinate the larger than usual number of subcontractors on site during the course of construction to ensure safety, quality control, cost and schedule control, etc.

5) The CM/GC will be required to carry staff and other costs for about 3-4 months longer (compared to conventional method) due to requirements above. (Consultation with other agencies confirmed that the CM/GC will typically need 8 to 10 weeks to prepare and receive bids on the first set of bid packages before any construction work can begin. The CM/GC will allow another 4-6 weeks extra in its construction schedule so as to coordinate/schedule the work among the larger number of subcontractors working on site in a safely manner, and to accommodate the possibility of the need to rebid packages, etc.).

6) The CM/GC will not be allowed to self-perform much work, if at any, unlike the general contractor under the conventional method. Typically under the conventional method, the general contractor will also make its profits, etc. off of mark ups on the 30% or more of the work that the contractor can do with its own forces. Since the CM/GC will figure his/her profit/overhead based on total construction cost, the CM/GC will mark up its fees

higher to make up for lost opportunity and profit. Meanwhile, the subcontractors performing the 30% or so of work that the prime contractor would normally do would have their own mark ups included in their bids as well.

7) Instead of say a one-time outreach effort upfront prior to bid to enlist all DBEs for the project as in the case of the conventional method, the contractor under the CM/GC method will be required to conduct continuous outreach to the local community throughout the duration of construction (since some bid packages may not be advertised till latter part of contract) to promote DBE participation. This is additional work.

8) The CM/GC will need to include some contingency money in its bid to cover unusual risks associated with specific project requirements. For example, Muni reserves the right to ask that bid packages be rebid. Also, Muni requires the CM/GC to cover the costs of filling scope gaps. (There is considerable risk of breaking up what was meant to be a single unified contract document into large number of bid packages, i.e. the larger the number of packages, the more chances that the work cannot be divided along "neat lines" such that areas of work can be clearly distributed accordingly; hence scope gaps will inevitably exist between packages which would fall on the shoulders of the CM/GC).

9) The Muni staff, including Muni's Contract Compliance Office, will be required to spend additional time to monitor each bid package, including reviewing bid results and CM/GC's recommendation for award, reviewing DBE goal commitments of each of the 50 to 70 bid packages, and requesting authorization from the MTA Board or the Executive Director of Transportation to approve each of the 50 to 70 bid packages.

All of the above translates to increase in cost in implementing CM/GC method for the Metro East Project. An independent estimate performed by an outside construction firm (not bidding on the project) has estimated that the increase costs could possibly be in the range of $5 million to $8 million, which is 5% or 8% above the estimated construction cost of $100 million.

However, the above estimated increase in cost is based on a normal bidding climate. With the favorable bids we have been receiving on other projects since the downturn of economy last year indicating a better than normal bidding climate for the owner, there is a chance that the increased cost may not be as high as 5% to 8% if the bulk of major subcontracts can be bid out by end of this year, i.e. before the economy turns up again.

Also, the estimated increase is based on the assumption of 50 to 70 bid packages. Should the CM/GC be creative enough to achieve project objectives with lower number of bid packages, then presumably the estimated increase in cost would be lower than the above estimate.

Additionally, in the conventional Design-Bid-Build method, it is widely suspected that some contractors make its profit off of change orders. With CM/GC, since the CM/GC performs the work for a fixed fee, there is much less incentive for the contractor to go after change orders. Hence we expect some decrease cost in change orders. Similarly, some users of CM/GC method have met considerable success with minimizing claims. Together, we expect part of the contingency funds for change orders/claims that was set up under conventional method could be shifted forward to offset the higher CM/GC cost upfront. Therefore, it is hard to say at this

point in time, how much, if any, we will need to supplement the construction contingency by requesting for additional funding. The earliest indication would be when the first set of bids CM/GC is received, presumably between summer and fall of 2003.

Finally, all this needs to be viewed in the context of the benefits to be gained (the Staff Report attempts to list these benefits) by proceeding with CM/GC method. The long term value of these benefits are hard to quantify and may very well out weigh the short term incremental cost. As such, alternatively, one can view the above estimated increase in costs not as "extra costs" per se, but as part of the investment in the betterment of the City, and particularly investment in the revitalization of the Third Street communities (a key project objective), i.e. putting back money into the community to generate immediately needed jobs and additional contracting opportunities among Disadvantaged Business Enterprise as a way of mitigating the three-year impact to local business, etc. along the Third Street corridor as a result of the Third Street light rail construction. Viewed in this perspective, the estimated 5% to 8% amounts to about 1% to 2% of the overall project budget for the entire Third Street Project, of which Metro East Project is a part.

We hope this clarifies the matter at hand. Should there be further questions, please call me at 554-1875.

cc. Project file Vince Harris Dennis Tsai Luz Cofresi-Howe Ernesto Ugarte

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City and County of San Franc

Meeting Agenda

Land Use Committee

Members: Jake McGoldrick, Sophie Maxwell and Tom Ammiano

Acting Clerk: Linda Laws

[All Committees]
Government Document Section
Main Library

Monday, March 03, 2003 | **1:00 PM** | **City Hall, Room 263**

Regular Meeting

Note: Each item on the Consent or Regular agenda may include the following documents:
1) Legislation
2) Budget Analyst report
3) Legislative Analyst report
4) Department or Agency cover letter and/or report
5) Public correspondence
These items will be available for review at City Hall, Room 244, Reception Desk.

Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding City representatives, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance.

AGENDA CHANGES

REGULAR AGENDA

1. **030081** **[Parking Regulations, Blanken Avenue]**
Ordinance deleting Section 28.5.5 of the San Francisco Traffic Code restricting certain vehicles over 6,000 pounds on Blanken Avenue between Bayshore Boulevard and Tunnel Avenue. (Parking and Traffic Department)

1/24/03, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.
2/4/03, TRANSFERRED to Land Use Committee. New committee structure 2/17/03.

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2. 030165 [STOP Intersections]

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH
Gennessee Street and Joost Avenue, stopping Gennessee Street and Joost Avenue, making this intersection an all-way STOP;
Castro Street, stopping northbound Castro Street at Bernis and Sussex Streets;
Milton I. Ross Street and Jerrold Avenue, stopping both eastbound and westbound Milton I. Ross Street; and
Lettuce Lane and Jerrold Avenue, stopping eastbound Lettuce Lane at Jerrold Avenue. (Parking and Traffic Department)

(1/21/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2565; No Public Benefit Recipient.)

1/24/03, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.
2/4/03, TRANSFERRED to Land Use Committee. New committee structure 2/17/03.

3. 030166 [Parking Regulations, Various Locations]
Resolution enacting and rescinding parking regulations at various locations.

NO PARKING ANYTIME - RESCIND
TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Russian Hill Place, east side, from Vallejo to 15 feet northerly.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Point Lobos Avenue, south side, from 40th Avenue to 80 feet westerly (adjacent to center roadway island).

TOW-AWAY, NO PARKING ANYTIME, 10 PM - 6 AM, EVERYDAY - ESTABLISH
Executive Park Boulevard, east side, between Alana Way and Blanken Avenue.

PERPENDICULAR (90-DEGREE ANGLE) PARKING - ESTABLISH
Ervine Street, west side, from Wilde Street to 346 feet southerly;
South Park Avenue, both sides, from 2nd Street to 125 feet westerly; and
South Park Avenue, both sides, from 3rd Street to 125 feet easterly.

TWO-HOUR PARKING TIME LIMIT, 9 AM - 5 PM, MONDAY THROUGH FRIDAY - ESTABLISH
18th Street, both sides, between 3rd and Tennessee Streets.

UNMETERED MOTORCYCLE PARKING - ESTABLISH
7th Street, west side, from 48 to 76 feet north of Townsend Street (accommodates six unmetered motorcycle parking spaces); and

UNMETERED MOTORCYCLE PARKING - ESTABLISH
8th Street, east side, from Division Street to 10.5 feet northerly (accommodates three unmetered motorcycle parking spaces).

RESIDENTIAL PERMIT PARKING AREA "J" (2-HOUR TIME LIMIT, 8 AM - 5 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
17th Street, both sides, between Shrader and Stanyan Streets (4900 block).

RESIDENTIAL PERMIT PARKING AREA "S" (2-HOUR TIME LIMIT, 8 AM - 9 PM, MONDAY THROUGH FRIDAY) - RESCIND
Rose Street, north side, from Market Street to 26 feet westerly.

RESIDENTIAL PERMIT PARKING AREA "X" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Arkansas Street, east side, from 50 feet south of 17th Street to Marioposa Street (100 block, starting with address #113); and
Arkansas Street, west side, between 17th and Mariposa Streets (100 block).

RESIDENTIAL PERMIT PARKING AREA "Z" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
25th Street, both sides, between Church and Dolores Streets (3800 block);
Church Street, both sides, between 25th and Clipper Streets. (portion of the 1300 block);
Fair Oaks Street, both sides, between 21st and 22nd Streets (Unit block); and
Valencia Street, east side, from 22nd to 23rd Streets (1100 block).

(Note: The meters will not be removed and Residential Permit Parking signs will not be installed on Valencia Street.) (Parking and Traffic Department)

(1/21/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and

parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2565; No Public Benefit Recipient.)

1/24/03, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.
2/4/03, TRANSFERRED to Land Use Committee. New committee structure 2/17/03.

4. **021945** **[Parking Regulations, Various Locations]**
Resolution enacting and rescinding parking regulations at various locations.
PARKING METER AREA NO. 3 (1-HOUR TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
Stillman Street, north side, between 3rd and 4th Streets.

Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street. (Parking and Traffic Department)

(DPT Order No. 2508.)

11/14/02, CONTINUED TO CALL OF THE CHAIR.
2/4/03, TRANSFERRED to Land Use Committee. New committee structure 2/17/03.

5. **030171** **[Parking Regulations, Various Locations]**
Resolution enacting and rescinding parking regulations at various locations.

RESIDENTIAL PERMIT PARKING AREA "U" (1-HOUR TIME LIMIT, 8 AM - 10 PM, EVERYDAY) - ESTABLISH
147 Stillman Street (adds specific address only). (Parking and Traffic Department)

(12/3/02: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2538; No Public Benefit Recipient.)

1/23/03, CONTINUED TO CALL OF THE CHAIR. Divided from file #021983.
1/23/03, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.
2/4/03, TRANSFERRED to Land Use Committee. New committee structure 2/17/03.

6. **030097** **[Designate the 1338 Filbert Street Cottages as a Landmark]**
Supervisors Peskin, Daly, Ammiano, Gonzalez, Sandoval, McGoldrick, Hall, Maxwell
Ordinance amending Appendix A of Planning Code Article 10 to designate the 1338 Filbert Street Cottages as Landmark No. 232.

1/21/03, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.
2/4/03, TRANSFERRED to Land Use Committee. New committee structure 2/17/03.
2/24/03, AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in Committee. Speakers: Supervisor Aaron Peskin; Charles Chase, SF Architectural Heritage; Joe Butler, Little House Committee; Robert Gallagher; Winifred Siegel; Claire McGhee, Russian Hill Neighbors; Gerry Crowley, Telegraph Hill Dwellers; Francisco Centurion, Russian Hill Neighbors; Judith Hoyem, Small House Committee; Paul Finwall, Landmarks Preservation Advisory Board; Debra Stein, GCA Strategies; Jerry DeMartini; Penelope Clark, Russian Hill Neighbors; Edward Madigan; Marjorie Leet Ford; Dr. Robert Squeri; Lindsay Phillips.
Supervisor Peskin submitted an amendment of the whole bearing same title.
Supervisor Maxwell requested to be added as a co-sponsor.
2/24/03, CONTINUED AS AMENDED. Continued to 3/3/03.

7. 030099 [Extending annual condominium conversion limitation]

Supervisor McGoldrick

Ordinance amending the San Francisco Subdivision Code Article 9, Section 1396 to extend the annual condominium conversion limitation for two additional years and providing for the conversion of specified buildings where a property owner submitted a subdivision application on or before January 21, 2003.

2/4/03 in Board: Supervisor McGoldrick submitted a substitute ordinance bearing new title.

1/21/03, RECEIVED AND ASSIGNED to Transportation and Commerce Committee. Sponsor requests that the Board President determine that this measure may be considered before the expiration of 30 days, as allowed under Rule 5.40 of the Board of Supervisors Rules of Order, because the measure simply continues existing City policy and does not create or revise major City policy.

Sponsor further requests that the measure not be scheduled for hearing until the Clerk of the Board of Supervisors consults with the City Attorney concerning special notice provisions for hearing this item.

2/4/03, SUBSTITUTED. Supervisor McGoldrick submitted a substitute ordinance bearing new title.

2/4/03, TRANSFERRED to Land Use Committee. New Committee structure 2/17/03.

8. 021772 [Conditional Use Revocation]

Supervisor Gonzalez

Ordinance amending the San Francisco Planning Code by amending Section 303 to provide for the revocation of a conditional use authorization upon a finding that the applicant provided false information in obtaining the conditional use; adopting findings under Planning Code Section 302.

10/21/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 11/20/2002.

10/25/02, REFERRED TO DEPARTMENT. Transmitted to Planning Commission for public hearing and recommendation.

12/10/02, RESPONSE RECEIVED. Certificate of Exemption/Exclusion from Environmental Review dated 12/6/02.

1/23/03, RESPONSE RECEIVED. Planning Commission Resolution #16509 adopted 1/16/03 recommending approval with amendments.

2/4/03, TRANSFERRED to Land Use Committee. New committee structure 2/17/03.

9. 030155 [1250 Haight Street - Special Use District to create Haight Street Senior Affordable Housing]

Ordinance amending the San Francisco Planning Code by adding Section 249.23 to create a Senior Affordable Housing Special Use District of a property described as Assessor's Block 1234, Lots 11 and 14, located at 1250 Haight Street, on the north side, between Lyon Street and Central Avenue; and adopting findings pursuant to Planning Code Section 101.1. (Planning Department)

(Companion measure to Files 030155, 030156, 030157, 030158; Planning Resolution Nos. 16500 and 16501 adopting all four proposed Planning Code and Zoning Map amendments (Reclassification Application No. 2002.0451CTZ on December 19, 2002; Motion No. 16502 approving Conditional Use Application No. 2002.0451CTZ on December 19, 2002; Certificate of Determination/Exclusion from CEQA Environmental Review dated September 10, 2002; No Public Benefit Recipient.)
(2/18/03 in Board: Supervisor Gonzalez submitted a substitute ordinance bearing same title.)

1/30/03, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

2/4/03, TRANSFERRED to Land Use Committee. New committee structure 2/17/03.

2/18/03, SUBSTITUTED. Supervisor Gonzalez submitted a substitute ordinance bearing new title.

2/18/03, ASSIGNED to Land Use Committee.

10. 030156 [1250 Haight Street - Special Use District to create Special Height Exception for the Haight Street Senior Affordable Housing]

Ordinance amending the San Francisco Planning Code by adding Section 263.16 to create a special height control for the Haight Street Senior Affordable Housing Special Use District of a property described as Assessor's Block 1234, Lots 11 and 14, located at 1250 Haight Street, on the north side, between Lyon Street and Central Avenue; and adopting findings pursuant to Planning Code Section 101.1. (Planning Department)

1/30/03, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.
2/4/03, TRANSFERRED to Land Use Committee. New committee structure 2/17/03.

11. 030157 [1250 Haight Street - Zoning Map Change from RM-1 to RM-1 and Haight Street Senior Affordable Housing SUD]

Ordinance amending the Zoning Map of the City and County of San Francisco for change in property use classification of a property described as Assessor's Block 1234, Lots 11 and 14, located at 1250 Haight Street, on the north side, between Lyon Street and Central Avenue, from an RM-1 (Residential, Mixed, Low Density) District to an RM-1 (Residential, Mixed, Low Density) District and the Haight Street Senior Affordable Housing Special Use District; and adopting findings pursuant to Planning Code Section 101.1. (Planning Department)

1/30/03, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.
2/4/03, TRANSFERRED to Land Use Committee. New committee structure 2/17/03.

12. 030158 [1250 Haight Street - Zoning Map Change from 40-X to 40-X and 60-X Height and Bulk District]

Ordinance amending the Zoning Map of the City and County of San Francisco for change in property height classification of a property described as Assessor's Block 1234, Lots 11 and 14, located at 1250 Haight Street, on the north side, between Lyon Street and Central Avenue, from 40-X Height and Bulk District to 60-X Height and Bulk District; and adopting findings pursuant to Planning Code Section 101.1. (Planning Department)

1/30/03, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.
2/4/03, TRANSFERRED to Land Use Committee. New committee structure 2/17/03.

13. 021912 [Tour buses prohibited on portions of El Camino del Mar and 25th Avenue]

Supervisor Newsom

Ordinance amending Police Code Section 1183.31 to extend the prohibition on the driving of tour buses on El Camino del Mar between the Presidio and 25th Avenue, and on 25th Avenue between Lake Street and El Camino del Mar, from December 31, 2002 to December 31, 2007.

11/18/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 12/18/2002.
2/4/03, TRANSFERRED to Land Use Committee. New committee structure 2/17/03.

14. 030197 [Funding SF Ferry Service]

Supervisors Newsom, Peskin

Resolution in support of funding future San Francisco ferry service from a portion of new state bridge toll revenues and San Francisco County sales tax extension revenues, and supporting the San Francisco Bay Area Water Transit Authority's Implementation and Operations Plan for creating those ferry services.

2/4/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
2/11/03, REFERRED to Land Use Committee.

ADJOURNMENT

IMPORTANT INFORMATION

NOTE: Persons unable to attend the meeting may submit to the City, by the time the proceedings begin, written comments regarding the agenda items above. These comments will be made a part of the official public record and shall be brought to the attention of the Board of Supervisors. Any written comments should be sent to: Committee Clerk of the Land Use Committee, San Francisco Board of Supervisors, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102 by 5:00 p.m. on the day prior to the hearing. Comments which cannot be delivered to the committee clerk by that time may be taken directly to the hearing at the location above

NOTE:
Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the general plan amendments or planning code and zoning map amendments described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

LEGISLATION UNDER THE 30-DAY RULE

(Not to be considered at this meeting)

Rule 5.40 provides that when an ordinance or resolution is introduced which would CREATE OR REVISE MAJOR CITY POLICY, the committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction. The provisions of this rule shall not apply to the routine operations of the departments of the City or when a legal time limit controls the hearing timing. In general, the rule shall not apply to hearings to consider subject matter when no legislation has been presented, nor shall the rule apply to resolutions which simply URGE action to be taken.

030221 **[Residential Rentals]**

Supervisor Peskin

Ordinance amending Administrative Code Chapter 49 "Security Deposits for Residential Rental Property," by amending Section 49.2 to provide that the annual landlord interest payments on security deposits shall be calculated at the interest rate in effect when an annual interest payment is due, and that any required pro rata interest payment shall be calculated at the interest rate in effect when that pro rata payment is due.

2/11/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 3/13/2003.

030315 **[Fleet Management Program]**

Supervisor Peskin

Ordinance amending the San Francisco Administrative Code by repealing existing Section 4.10-1 and adding a new Section 4.10-1, to place all City general purpose vehicles under the jurisdiction of the Director of Administrative Services as part of a comprehensive fleet management program.

2/25/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 3/27/2003.

030325 **[Residential Rent Ordinance: conform to State Ellis Act amendments Residential Rent Ordinance]**

Supervisor Peskin

Ordinance (1) conforming the Residential Rent Stabilization and Arbitration Ordinance (Administrative Code Chapter 37) to State law amendments to the Ellis Act (California Government Code Sections 7060 et seq.), by amending Section 37.9A to provide that, for new tenancies established after December 31, 2002, the same rent control restrictions that were in effect for the unit at the time a notice of intent to withdraw the unit from the rental or leased housing market was filed with the Rent Board remain in effect for any and all new or subsequent tenancies established during the five year period after filing the notice of intent, and for the five year period following actual withdrawal of the unit from the rental or leased housing market; (2) amending Section 37.9A to provide that half of the required relocation payment due to low-income, elderly or disabled tenants is due within fifteen (15) days of the landlord's receipt of the tenant's notice of entitlement, and the remaining half is due when the tenant vacates the unit; (3) amending Section 37.9A to require that an owner notify the Rent Board if the owner disputes a tenant's claim of entitlement to one-year notice due to being elderly or disabled; and, (4) conforming numbering.

2/25/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 3/27/2003.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board has several standing Committees where ordinances and resolutions are the subject of hearings at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience at a Committee meeting to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers, and similar sound-producing electronic devices; 3) signs to be brought into the meeting or displayed in the room; 4) standing in the meeting room.

Citizens are encouraged to testify at Committee meetings and to write letters to the Clerk of a Committee or to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

Agenda are available on the internet at www.sfgov.org/bdsupvrs.bos.htm.

THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT CITY HALL, ROOM 244, RECEPTION DESK.

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 557-4293.

Requests for language translation at a meeting must be received no later than noon the Friday before the meeting. Contact Ohn Myint at (415) 554-7704.

AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

翻譯 *必須在會議前最少四十八小時提出要求*
請電 (415) 554-7701

Disability Access

Both the Committee Room (Room 263) and the Legislative Chamber are wheelchair accessible. The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.

All meetings are real-time captioned and are cablecast open-captioned on SF Cable 26.

The following services are available when requested 48 hours before the Committee meeting. This advance notice will help ensure availability.

· For American Sign Language interpreters or use of a reader during a meeting, contact Ohn Myint at (415) 554-7704.

· For a large print copy of agenda or minutes in alternative formats, contact Annette Lonich at (415) 554-7706.

· Assistive listening devices are available from the receptionist in the Clerk of the Board's Office, Room 244, prior to the meeting.

· The Clerk of the Board's Office TTY number is (415) 554-5227.

In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The Sunshine Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Donna Hall; by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102 by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at Donna.Hall@sfgov.org
Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Hall or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfgov.org/sunshine.htm

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

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City and County of San Francisco
Meeting Minutes
Land Use Committee

Members: Jake McGoldrick, Sophie Maxwell and Tom Ammiano

Acting Clerk: Linda Laws

Monday, March 03, 2003 **1:00 PM** **City Hall, Room 263**

Regular Meeting

Members Present: Jake McGoldrick, Sophie Maxwell, Tom Ammiano.

MEETING CONVENED

The meeting convened at 1:06 p.m.

REGULAR AGENDA

030081 **[Parking Regulations, Blanken Avenue]**
Ordinance deleting Section 28.5.5 of the San Francisco Traffic Code restricting certain vehicles over 6,000 pounds on Blanken Avenue between Bayshore Boulevard and Tunnel Avenue. (Parking and Traffic Department)
1/24/03, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.
2/4/03, TRANSFERRED to Land Use Committee. New committee structure 2/17/03.
Heard in Committee. Speaker: Bond Yee, Department of Parking and Traffic.
RECOMMENDED by the following vote:
Ayes: 3 - McGoldrick, Maxwell, Ammiano

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030165 **[STOP Intersections]**

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH
Gennessee Street and Joost Avenue, stopping Gennessee Street and Joost Avenue, making this intersection an all-way STOP;
Castro Street, stopping northbound Castro Street at Bemis and Sussex Streets;
Milton I. Ross Street and Jerrold Avenue, stopping both eastbound and westbound Milton I. Ross Street; and Lettuce Lane and Jerrold Avenue, stopping eastbound Lettuce Lane at Jerrold Avenue. (Parking and Traffic Department)

(1/21/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2565; No Public Benefit Recipient.)

1/24/03, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

2/4/03, TRANSFERRED to Land Use Committee. New committee structure 2/17/03.

Heard in Committee. Speaker: Bond Yee, Department of Parking and Traffic.

RECOMMENDED by the following vote:

Ayes: 3 - McGoldrick, Maxwell, Ammiano

030166 **[Parking Regulations, Various Locations]**
Resolution enacting and rescinding parking regulations at various locations.

NO PARKING ANYTIME - RESCIND
TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Russian Hill Place, east side, from Vallejo to 15 feet northerly.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Point Lobos Avenue, south side, from 40th Avenue to 80 feet westerly (adjacent to center roadway island).

TOW-AWAY, NO PARKING ANYTIME, 10 PM - 6 AM, EVERYDAY - ESTABLISH
Executive Park Boulevard, east side, between Alana Way and Blanken Avenue.

PERPENDICULAR (90-DEGREE ANGLE) PARKING - ESTABLISH
Ervine Street, west side, from Wilde Street to 346 feet southerly;
South Park Avenue, both sides, from 2nd Street to 125 feet westerly; and
South Park Avenue, both sides, from 3rd Street to 125 feet easterly.

TWO-HOUR PARKING TIME LIMIT, 9 AM - 5 PM, MONDAY THROUGH FRIDAY - ESTABLISH
18th Street, both sides, between 3rd and Tennessee Streets.

UNMETERED MOTORCYCLE PARKING - ESTABLISH
7th Street, west side, from 48 to 76 feet north of Townsend Street (accommodates six unmetered motorcycle parking spaces); and

UNMETERED MOTORCYCLE PARKING - ESTABLISH
8th Street, east side, from Division Street to 10.5 feet northerly (accommodates three unmetered motorcycle parking spaces).

RESIDENTIAL PERMIT PARKING AREA "J" (2-HOUR TIME LIMIT, 8 AM - 5 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
17th Street, both sides, between Shrader and Stanyan Streets (4900 block).

RESIDENTIAL PERMIT PARKING AREA "S" (2-HOUR TIME LIMIT, 8 AM - 9 PM, MONDAY THROUGH FRIDAY) - RESCIND
Rose Street, north side, from Market Street to 26 feet westerly.

RESIDENTIAL PERMIT PARKING AREA "X" (2-HOUR TIME LIMIT, 8 AM - 6 PM. MONDAY THROUGH FRIDAY) - ESTABLISH
Arkansas Street, east side, from 50 feet south of 17th Street to Marioposa Street (100 block, starting with address #113); and
Arkansas Street, west side, between 17th and Mariposa Streets (100 block).

RESIDENTIAL PERMIT PARKING AREA "Z" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
25th Street, both sides, between Church and Dolores Streets (3800 block);
Church Street, both sides, between 25th and Clipper Streets. (portion of the 1300 block);
Fair Oaks Street, both sides, between 21st and 22nd Streets (Unit block); and
Valencia Street, east side, from 22nd to 23rd Streets (1100 block).

(Note: The meters will not be removed and Residential Permit Parking signs will not be installed on Valencia Street.) (Parking and Traffic Department)

(1/21/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2565; No Public Benefit Recipient.)
1/24/03, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.
2/4/03, TRANSFERRED to Land Use Committee. New committee structure 2/17/03.

Heard in Committee. Speakers: Bond Yee, Department of Parking and Traffic; Male Speaker; Kathryn Thoreau; David Louie; Male Speaker; Paul Hoffstedler.

RECOMMENDED by the following vote:
Ayes: 3 - McGoldrick, Maxwell, Ammiano

021945 **[Parking Regulations, Various Locations]**

Resolution enacting and rescinding parking regulations at various locations.
PARKING METER AREA NO. 3 (1-HOUR TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
Stillman Street, north side, between 3rd and 4th Streets.

Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street. (Parking and Traffic Department)

(DPT Order No. 2508.)
11/14/02, CONTINUED TO CALL OF THE CHAIR.
2/4/03, TRANSFERRED to Land Use Committee. New committee structure 2/17/03.

Heard in Committee. Speakers: Manito Velasco, Department of Parking and Traffic; Bruce Barnes; Harry Newhall, Speedway Printing; Francis Mathews; John Kennedy, Deputy City Attorney.
3/3/03 Amend page 1 line 10 after "between" delete "3rd" and add "147 Stillman".

AMENDED.

Resolution enacting and rescinding parking regulations at various locations.

PARKING METER AREA NO. 3 (1-HOUR TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
Stillman Street, north side, between 147 Stillman and 4th Streets.

Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street. (Parking and Traffic Department)

(DPT Order No. 2508.)

RECOMMENDED AS AMENDED by the following vote:
Ayes: 3 - McGoldrick, Maxwell, Ammiano

030171 **[Parking Regulations, Various Locations]**
Resolution enacting and rescinding parking regulations at various locations.

RESIDENTIAL PERMIT PARKING AREA "U" (1-HOUR TIME LIMIT, 8 AM - 10 PM, EVERYDAY) - ESTABLISH
147 Stillman Street (adds specific address only). (Parking and Traffic Department)

(12/3/02: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2538; No Public Benefit Recipient.)
1/23/03, CONTINUED TO CALL OF THE CHAIR. Divided from file #021983.
1/23/03, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.
2/4/03, TRANSFERRED to Land Use Committee. New committee structure 2/17/03.

Heard in Committee. Speakers: Manito Velasco, Department of Parking and Traffic; Bruce Barnes; Harry Newhall, Speedway Printing; Francis Mathews; John Kennedy, Deputy City Attorney.
CONTINUED TO CALL OF THE CHAIR by the following vote:
Ayes: 3 - McGoldrick, Maxwell, Ammiano

030097 **[Designate the 1338 Filbert Street Cottages as a Landmark]**
Supervisors Peskin, Daly, Ammiano, Gonzalez, Sandoval, McGoldrick, Hall, Maxwell
Ordinance amending Appendix A of Planning Code Article 10 to designate the 1338 Filbert Street Cottages as Landmark No. 232.
1/21/03, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.
2/4/03, TRANSFERRED to Land Use Committee. New committee structure 2/17/03.
2/24/03, AMENDED. AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in Committee. Speakers: Supervisor Aaron Peskin; Charles Chase, SF Architectural Heritage; Joe Butler, Little House Committee; Robert Gallagher; Winifred Siegel; Claire McGhee, Russian Hill Neighbors; Gerry Crowley, Telegraph Hill Dwellers; Francisco Centurion, Russian Hill Neighbors; Judith Hoyem, Small House Committee; Paul Finwall, Landmarks Preservation Advisory Board; Debra Stein, GCA Strategies; Jerry DeMartini; Penelope Clark, Russian Hill Neighbors; Edward Madigan; Marjorie Leet Ford; Dr. Robert Squeri; Lindsay Phillips.
Supervisor Peskin submitted an amendment of the whole bearing same title.
Supervisor Maxwell requested to be added as a co-sponsor.
2/24/03, CONTINUED AS AMENDED. Continued to 3/3/03.

Supervisor Peskin requested this item be divided so any reference to Lot 31 could be considered separately. See file #030372.
DIVIDED.

Heard in Committee. Speakers: Debra Stein, GCA Strategies; Winifred Siegel; Joe Butler, Little House Committee; John Kennedy, Deputy City Attorney.
3/3/03 Amendment of the whole bearing new title.
AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.
Ordinance amending Planning Code Article 10 to designate the 1338 Filbert Street Cottages, Lots 32, 33 and 34 in Assessor's Block 524, as Landmark No. 232.
3/3/03 To Board as Committee Report 3/18/03.
3/4/03 Contacted Debra Stein, GCA for information regarding owners of Larkin Street properties i.e. additional mailing addresses
RECOMMENDED AS AMENDED AS A COMMITTEE REPORT by the following vote:
Ayes: 3 - McGoldrick, Maxwell, Ammiano

030372 **[Designate One of the Four 1338 Filbert Street Cottages as a Landmark]**

Supervisors Peskin, Daly, Ammiano, Gonzalez, Sandoval, McGoldrick, Hall, Maxwell

Ordinance amending Planning Code Article 10 to designate One of the Four Cottages located at 1338 Filbert Street, Lot 31 in Assessor's Block 524, as Landmark No. ___.

Divided from file #030097.

Continued to 3/17/03. To Board as Committee Report 3/18/03.

CONTINUED AS DIVIDED by the following vote:

Ayes: 3 - McGoldrick, Maxwell, Ammiano

030099 **[Extending annual condominium conversion limitation]**

Supervisor McGoldrick

Ordinance amending the San Francisco Subdivision Code Article 9, Section 1396 to extend the annual condominium conversion limitation for two additional years and providing for the conversion of specified buildings where a property owner submitted a subdivision application on or before January 21, 2003.

2/4/03 in Board: Supervisor McGoldrick submitted a substitute ordinance bearing new title.

1/21/03, RECEIVED AND ASSIGNED to Transportation and Commerce Committee. Sponsor requests that the Board President determine that this measure may be considered before the expiration of 30 days, as allowed under Rule 5.40 of the Board of Supervisors Rules of Order, because the measure simply continues existing City policy and does not create or revise major City policy.

Sponsor further requests that the measure not be scheduled for hearing until the Clerk of the Board of Supervisors consults with the City Attorney concerning special notice provisions for hearing this item.

2/4/03, SUBSTITUTED. Supervisor McGoldrick submitted a substitute ordinance bearing new title.

2/4/03, TRANSFERRED to Land Use Committee. New Committee structure 2/17/03.

Speakers: None.

RECOMMENDED by the following vote:

Ayes: 3 - McGoldrick, Maxwell, Ammiano

021772 **[Conditional Use Revocation]**

Supervisor Gonzalez

Ordinance amending the San Francisco Planning Code by amending Section 303 to provide for the revocation of a conditional use authorization upon a finding that the applicant provided false information in obtaining the conditional use; adopting findings under Planning Code Section 302.

10/21/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 11/20/2002.

10/25/02, REFERRED TO DEPARTMENT. Transmitted to Planning Commission for public hearing and recommendation.

12/10/02, RESPONSE RECEIVED. Certificate of Exemption/Exclusion from Environmental Review dated 12/6/02.

1/23/03, RESPONSE RECEIVED. Planning Commission Resolution #16509 adopted 1/16/03 recommending approval with amendments.

2/4/03, TRANSFERRED to Land Use Committee. New committee structure 2/17/03.

Heard in Committee. Speakers: Rob Eshelman, Aide to Supervisor Gonzalez; Paul Lord, Planning Department; John Kennedy, Deputy City Attorney; Debra Stein, GCA Strategies; Ron Miguel, PAR.

3/3/03 Amendment of the whole bearing same title.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE.

RECOMMENDED AS AMENDED by the following vote:

Ayes: 3 - McGoldrick, Maxwell, Ammiano

030155 **[1250 Haight Street - Special Use District to create Haight Street Senior Affordable Housing]**

Ordinance amending the San Francisco Planning Code by adding Section 249.23 to create a Senior Affordable Housing Special Use District of a property described as Assessor's Block 1234, Lots 11 and 14, located at 1250 Haight Street, on the north side, between Lyon Street and Central Avenue; and adopting findings pursuant to Planning Code Section 101.1. (Planning Department)

(Companion measure to Files 030155, 030156, 030157, 030158; Planning Resolution Nos. 16500 and 16501 adopting all four proposed Planning Code and Zoning Map amendments (Reclassification Application No. 2002.0451CTZ on December 19, 2002; Motion No. 16502 approving Conditional Use Application No. 2002.0451CTZ on December 19, 2002; Certificate of Determination/Exclusion from CEQA Environmental Review dated September 10, 2002; No Public Benefit Recipient.)
(2/18/03 in Board: Supervisor Gonzalez submitted a substitute ordinance bearing same title.)

1/30/03, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.
2/4/03, TRANSFERRED to Land Use Committee. New committee structure 2/17/03.
2/18/03, SUBSTITUTED. Supervisor Gonzalez submitted a substitute ordinance bearing new title.
2/18/03, ASSIGNED to Land Use Committee.

Heard in Committee. Speakers: Mary Woods, Planning Department; Jean-Paul Samaha, Planning Department; Larry Roberts, Aide to Supervisor Gonzalez; Jim Buckley, Citizens Housing Corporation; Richard Magary, BVNA; Bob Planthold.

RECOMMENDED by the following vote:
Ayes: 3 - McGoldrick, Maxwell, Ammiano

030156 **[1250 Haight Street - Special Use District to create Special Height Exception for the Haight Street Senior Affordable Housing]**

Ordinance amending the San Francisco Planning Code by adding Section 263.16 to create a special height control for the Haight Street Senior Affordable Housing Special Use District of a property described as Assessor's Block 1234, Lots 11 and 14, located at 1250 Haight Street, on the north side, between Lyon Street and Central Avenue; and adopting findings pursuant to Planning Code Section 101.1. (Planning Department)

1/30/03, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.
2/4/03, TRANSFERRED to Land Use Committee. New committee structure 2/17/03.

Heard in Committee. Speakers: Mary Woods, Planning Department; Jean-Paul Samaha, Planning Department; Larry Roberts, Aide to Supervisor Gonzalez; Jim Buckley, Citizens Housing Corporation; Richard Magary, BVNA; Bob Planthold.

RECOMMENDED by the following vote:
Ayes: 3 - McGoldrick, Maxwell, Ammiano

030157 **[1250 Haight Street - Zoning Map Change from RM-1 to RM-1 and Haight Street Senior Affordable Housing SUD]**

Ordinance amending the Zoning Map of the City and County of San Francisco for change in property use classification of a property described as Assessor's Block 1234, Lots 11 and 14, located at 1250 Haight Street, on the north side, between Lyon Street and Central Avenue, from an RM-1 (Residential, Mixed, Low Density) District to an RM-1 (Residential, Mixed, Low Density) District and the Haight Street Senior Affordable Housing Special Use District; and adopting findings pursuant to Planning Code Section 101.1. (Planning Department)

1/30/03, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

2/4/03, TRANSFERRED to Land Use Committee. New committee structure 2/17/03.

Heard in Committee. Speakers: Mary Woods, Planning Department; Jean-Paul Samaha, Planning Department; Larry Roberts, Aide to Supervisor Gonzalez; Jim Buckley, Citizens Housing Corporation; Richard Magary, BVNA; Bob Planthold.

RECOMMENDED by the following vote:

Ayes: 3 - McGoldrick, Maxwell, Ammiano

030158 **[1250 Haight Street - Zoning Map Change from 40-X to 40-X and 60-X Height and Bulk District]**

Ordinance amending the Zoning Map of the City and County of San Francisco for change in property height classification of a property described as Assessor's Block 1234, Lots 11 and 14, located at 1250 Haight Street, on the north side, between Lyon Street and Central Avenue, from 40-X Height and Bulk District to 60-X Height and Bulk District; and adopting findings pursuant to Planning Code Section 101.1. (Planning Department)

1/30/03, RECEIVED AND ASSIGNED to Transportation and Commerce Committee.

2/4/03, TRANSFERRED to Land Use Committee. New committee structure 2/17/03.

Heard in Committee. Speakers: Mary Woods, Planning Department; Jean-Paul Samaha, Planning Department; Larry Roberts, Aide to Supervisor Gonzalez; Jim Buckley, Citizens Housing Corporation; Richard Magary, BVNA; Bob Planthold.

RECOMMENDED by the following vote:

Ayes: 3 - McGoldrick, Maxwell, Ammiano

021912 **[Tour buses prohibited on portions of El Camino del Mar and 25th Avenue]**

Supervisor Newsom

Ordinance amending Police Code Section 1183.31 to extend the prohibition on the driving of tour buses on El Camino del Mar between the Presidio and 25th Avenue, and on 25th Avenue between Lake Street and El Camino del Mar, from December 31, 2002 to December 31, 2007.

11/18/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 12/18/2002.

2/4/03, TRANSFERRED to Land Use Committee. New committee structure 2/17/03.

Heard in Committee. Speakers: Catherine Garza, Aide to Supervisor Newsom; Ron Miguel, PAR; Patricia Douglas, WPNA; Melanie Marks, WPNA; Jeb MacLoud; Mary Russo Mafee, WPNA; Thomas Mafee; John Kennedy, Deputy City Attorney.

3/3/03 Amendment of the whole bearing new title.

AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

Ordinance amending Police Code Section 1183.31 to prohibit the driving of tour buses on El Camino del Mar between the Presidio and 25th Avenue, and on 25th Avenue between Lake Street and El Camino del Mar.

Continued to 3/17/03.

CONTINUED AS AMENDED by the following vote:

Ayes: 3 - McGoldrick, Maxwell, Ammiano

030197 **[Funding SF Ferry Service]**
Supervisors Newsom, Peskin
Resolution in support of funding future San Francisco ferry service from a portion of new state bridge toll revenues and San Francisco County sales tax extension revenues, and supporting the San Francisco Bay Area Water Transit Authority's Implementation and Operations Plan for creating those ferry services.
2/4/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
2/11/03, REFERRED to Land Use Committee.

Speakers: None.

CONTINUED TO CALL OF THE CHAIR by the following vote:
Ayes: 3 - McGoldrick, Maxwell, Ammiano

ADJOURNMENT

The meeting adjourned at 3:52 p.m.

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1/11/03

[Budget Analyst Report]
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CITY AND COUNTY OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

March 12, 2003

TO: Land Use Committee

FROM: Budget Analyst

SUBJECT: March 17, 2003 Land Use Committee Meeting

Item 5 – File 03-0082

Department: Municipal Transportation Agency (MTA)

Item: Resolution authorizing the Municipal Transportation Agency to accept and expend $1,123,364 from the Bay Area Air Quality Management District's Transportation Fund for Clean Air monies for three Capital Improvement Projects: the Transit Bus Traffic Signal Prioritization Project, the Transit Bus Replacement Project, and the Bicycle Racks Project.

Grant Amount: $1,123,364

Grant Period: January 1, 2003 through June 30, 2005 (two and a half years – see Comment No. 2)

Source of Funds: Bay Area Air Quality Management District

Required Match: None

Indirect Costs: None. Indirect costs will be waived to maximize use of grant funds on the three Capital Improvement Projects.

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Description: The proposed resolution authorizes MTA to accept and expend a $1,123,364 grant from the Bay Area Air Quality Management District's Transportation Fund for Clean Air (TFCA) to partially implement three Capital Improvement Projects: (1) the Transit Bus Traffic Signal Prioritization Project, (2) the Transit Bus Replacement Project, and (3) the Installation of Bicycle Racks on 50 Muni Vehicles. According to Ms. Joy Lawrence-Tyus of MTA, all three projects intend to reduce ozone emissions in the Bay Area.

According to Ms. Lawrence-Tyus, the Transit Bus Traffic Signal Prioritization Project will maintain or replace traffic signals at 26 traffic intersections along routes of the 14-Mission and 38-Geary Muni bus lines, outside of the downtown area. The Transit Bus Replacement Project, also referred to as the Alternative Fuel Project, will replace 15 of Muni's older diesel buses with new alternative-fueled buses, according to Ms. Lawrence-Tyus. The new buses will be either electric hybrid or natural gas-fueled vehicles. Ms. Lawrence-Tyus reports that Muni expects to decide which technology to pursue in the Fall of 2003, after the completion of MTA's Alternative Fuel Pilot Program. Finally, Ms. Lawrence-Tyus adds that the subject grant would help fund bicycle racks on 50 Muni transit vehicles. According to Ms. Lawrence-Tyus, Muni's fleet includes 444 buses that already have bike racks and 80 buses that are without bike racks. Ms. Lawrence- Tyus adds that as new buses are procured, they have bike racks already installed.

Budget: Attachment I, provided by Ms. Lawrence-Tyus, is a $9,939,020 budget representing total project costs for the three Capital Improvement Projects. The subject grant will fund $1,123,364, or 11.3% of the total project costs of $9,939,020, and $8,815,656 will be provided from other funding sources (see Comment No. 3).

Comments: 1. According to Ms. Lawrence-Tyus, all work for the Transit Bus Traffic Signal Prioritization Project and the installation of the bicycle racks for the Bicycle Racks Project will be contracted through a competitive bid process. Ms. Lawrence-Tyus notes that the competitive bid process will not commence until the Board of

Supervisors approve the subject grant. Attachment II, provided by Ms. Lawrence-Tyus, explains how contracts will be awarded for the Capital Improvement Projects.

2. As noted above, the grant period is from January 1, 2003 through June 30, 2005. According to Ms. Lawrence-Tyus, this grant is coming before the Board of Supervisors only now, over two months after the grant began due to unavoidable administrative delays. Even though the subject grant period began January 1, 2002, Ms. Lawrence-Tyus reports that no funds have been accepted or expended to date, therefore, retroactive approval for acceptance is not required.

3. As shown in Attachment I, $8,815,656 of the total $9,939,020 project budget is provided by other funding sources. For the Transit Bus Traffic Signal Project, $1,691,620 is provided by the Federal Surface Transportation Program (STP), $545,000 is provided by the Local San Francisco County Transportation Authority (SFCTA), and $34,175 is provided by the Local San Francisco Municipal Railroad Improvement Corporation (SFMRIC). According to Ms. Lawrence-Tyus, all of these funds have previously been approved by the Board of Supervisors. For the Transit Bus Replacement project, $5,320,000 is to be provided by the Federal Transit Administration Section 5307 (FTA) and $420,000 is to be provided by bridge tolls. Both of these funding sources are planned, but have not yet been approved. For the Bicycle Racks on Buses Project, $34,861 is to be provided by the Department of Parking and Traffic, and is included in their FY 2002-2003 budget.

4. Attachment III is the Grant Information Form, provided by Ms. Lawrence-Tyus, which includes the Disability Checklist.

Recommendation: Approve the proposed resolution.

Harvey M. Rose

cc: Supervisor McGoldrick
Supervisor Maxwell
Supervisor Ammiano
Clerk of the Board
Controller
Ben Rosenfield
Ted Lakey

Transportation Fund for Clean Air:
Funds for three Capital Improvement Projects

		Total Estimated Cost	TFCA Regional Funds	Other Funds	
1.) Transit Bus Traffic Signal Project					
Phase:	Conceptual Engineering	$ 267,216	$ 150,000	$ 2,270,795	(Other funding sources: $1,691,620- Federal STP, $545,000- SFCTA, $34,175- SFMRIC)
	Detail Design	$ 184,790			
Construction:	Engineering/ Administrative Costs	$ 519,589			
	Contract	$ 1,309,200			
	Contingency	$ 140,000			
Subtotal Transit Bus Traffic Signal Project		$ 2,420,795	$ 150,000	$ 2,270,795	Other Funds Subtotal
2.) Transit Bus Replacement Project (15 CNG or Hybrid Vehicles)					
	Vehicles (equipment)	$ 6,838,710	$ 910,000	$ 6,510,000	(Other funding sources: $5,320,000- Planned FTA Section 5307, $420,000- Planned Bridge Tolls)
	Sales tax	$ 581,290			
Subtotal Transit Bus Replacement Project		$ 7,420,000	$ 910,000	$ 6,510,000	Other Funds Subtotal
3.) Bicycle Racks on Buses Project (Bicycle Racks on 50 Vehicles)					
	Bicycle Racks (parts)	$ 56,000	$ 63,364	$ 34,861	DPT (In FY 2002-2003 budget)
	Replacement Bumbers	$ 2,400			
	Sales Tax	$ 4,964			
	Installation Labor	$ 32,000			
	Project Management @ 3%	$ 2,861			
Subtotal Bicycle Racks on Buses Project		$ 98,225	$ 63,364	$ 34,861	Other Funds Subtotal
	Total	$ 9,939,020	$ 1,123,364	$ 8,815,656	

*Other Funds:

Federal Surface Transportation Program (STP)- secured
Local San Francisco County Transportation Authority (SFCTA)- secured
Local San Francisco Municipal Railroad Improvement Corporation (SFMRIC) - secured
Federal Transit Administration Section 5307 (FTA)- planned

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1145 MARKET STREET, 3RD FLOOR, SAN FRANCISCO, CA 94103-1547
(415) 934-3954 FAX (415) 934-3930

M E M O R A N D U M

TO: Budget Analyst, SF Board of Supervisors

FROM: Joy Lawrence-Tyus, MUNI
Capital Planning & External Affairs

SUBJECT: BOS File # 03-0082 TFCA Grant Accept & Expend Resolution for $1,123,364

DATE: March 10, 2003

In response to your question, please be advised that the Transit Signal Priority Project and the Bicycle Rack Project will both follow established city or federal competitive bid processes.

The Bicycle Rack Project will bid a single contract, which will include both procurement and installation. The engineering for the Transit Signal Priority Project will be done in house.

File Number: _____
(Provided by Clerk of Board of Supervisors)

Grant Information Form
(Effective January 2000)

Purpose: Accompanies proposed Board of Supervisors resolutions authorizing a Department to accept and expend grant funds.

The following describes the grant referred to in the accompanying resolution:

1. Grant Title: Grant of $1,123,364 in Transportation Funds for Clean Air from the Bay Area Air Quality Management District for three Municipal Railway Capital Projects, the Transit Bus Traffic Signal Prioritization, Transit Bus Replacement: 15 CNG or Hybrid Electric Vehicles and Bicycle Racks: Install Bike Racks on 50 Buses.

2. Department: San Francisco Municipal Railway.

3. Contact Person: Joy Lawrence-Tyus Telephone: 934-3948

4. Grant Approval Status (check one):

☐ Approved by funding agency ☒ Not yet approved

5. Amount of Grant Funding Approved or Applied for: $1,123,364

6 a. Matching Funds Required: None
b. Source(s) of matching funds (if applicable):

7 a. Grant Source Agency: Bay Area Air Quality Management District
b. Grant Pass-Through Agency (if applicable):

8. Proposed Grant Project Summary:

The Board of Supervisors is being asked for authority to accept and expend $1,123,364 of Transportation Fund for Clean Air for the three Municipal Railway Capital Projects, the Transit Bus Traffic Signal Prioritization, Transit Bus Replacement: 15 CNG or Hybrid Electric Vehicles and Bicycle Racks: Install Bike Racks on 50 Buses.

9. Grant Project Schedule, as allowed in approval documents, or as proposed:

Start-Date: End-Date:

10. Number of new positions created and funded: None

11. If new positions are created, explain the disposition of employees once the grant ends?

12 a. Amount budgeted for contractual services: $1,123,364
b. Will contractual services be put out to bid? Yes

c. If so, will contract services help to further the goals of the department's MBE/WBE requirements? Yes
d. Is this likely to be a one-time or ongoing request for contracting out? One-time

13 a. Does the budget include indirect costs? ☐ Yes ☒ No
b1. If yes, how much?
b2. How was the amount calculated?

c. If no, why are indirect costs not included?
☐ Not allowed by granting agency ☒ To maximize use of grant funds on direct services
☐ Other (please explain):

14. Any other significant grant requirements or comments:

Disability Access Checklist

15. This Grant is intended for activities at (check all that apply):

☒ Existing Site(s) ☐ Existing Structure(s) ☒ Existing Program(s) or Service(s)
☐ Rehabilitated Site(s) ☐ Rehabilitated Structure(s) ☐ New Program(s) or Service(s)
☐ New Site(s) ☐ New Structure(s)

16. The Departmental ADA Coordinator has reviewed the proposal and concluded that the project as proposed will be in compliance with the Americans with Disabilities Act and all other Federal, State and local access laws and regulations and will allow the full inclusion of persons with disabilities, or will require unreasonable hardship exceptions, as described in the comments section:

Comments:

Departmental ADA Coordinator: Annette Williams
(Name)

Date Reviewed: 10-28-02

Department Approval: Annette Williams, Manager of Accessible Services
(Name and Title)

(Signature)

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[Budget Analyst Report]
Susan Hom
Main Library-Govt. Doc. Section

CITY AND COUNTY OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

April 2, 2003

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TO: Land Use Committee

FROM: Budget Analyst

SUBJECT: April 7, 2003 Land Use Committee Meeting

Item 7 – File 03-0511

Department: Department of the Environment (DOE)

Item: Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of $50,000 from the San Francisco Foundation for locating air monitoring equipment in San Francisco's Bayview Hunters Point community.

Grant Amount: $50,000

Source of Funds: San Francisco Foundation

Grant Period: December 1, 2002 to May 31, 2004 (Approximately one year and six months, see Comment No. 3)

Project: Air Monitoring Project in Bayview Hunters Point

Description: The proposed resolution would authorize the Department of the Environment (DOE) to accept and expend a $50,000 grant from the San Francisco Foundation, a non-profit organization, to (a) install air monitoring equipment in the Bayview Hunters Point community, (b) oversee and interpret data collected, (c) create and maintain a website

with real-time data, (d) conduct community outreach about the project and (e) design a classroom curriculum about air quality. According to Ms. Hillary Amsberry of the DOE, such services would be provided by Literacy for Environmental Justice (LEJ), under an agreement between the DOE and LEJ, subject to Board of Supervisors approval of this proposed resolution. The air monitoring equipment would be loaned to the DOE by the California Air Resources Board (CARB). The data that is gathered through the air monitoring equipment will allow the DOE to assess the prevalence of specific pollutants in the Bayview Hunters Point community.

Budget: The $50,000 budget for the Literacy for Environmental Justice (LEJ) to implement the Air Monitoring Project in Bayview Hunters Point is shown in Attachment I, provided by the DOE.

Required Match: None.

Indirect Costs: Indirect costs are not allowed by the granting agency.

Comment: 1. Ms. Shawn Rosenmoss of the DOE advises that the DOE intends to allocate the $50,000 in subject grant funds to LEJ, under a sole source agreement to (a) install air monitoring equipment in the Bayview Hunters Point community, (b) oversee and interpret data collected, (c) create and maintain a website with real-time data, (d) conduct community outreach about the project and (e) design a classroom curriculum about air quality. Ms. Rosenmoss reports that LEJ would be awarded the $50,000 in subject grant funds on a sole source basis because the San Francisco Foundation awarded the proposed grant to the DOE on the condition that LEJ would provide the services listed above. Ms. Rosenmoss further reports that LEJ has been actively involved in the planning of this project.

2. According to Ms. Rosenmoss, and as stated previously, the air monitoring equipment would be loaned to the DOE by CARB, at no charge. Ms. Rosenmoss advises that CARB would continue to be responsible for maintenance of the equipment during the grant period and would also provide technical support to LEJ for interpretation and

analysis of data. Upon completion of the grant period, the equipment would be returned to CARB.

3. Attachment II is the Grant Information Form, provided by the DOE, which includes the Disability Access Checklist. The Grant Information Form states that the start date for the proposed grant was December 1, 2002. Ms. Rosenmoss reports that the proposed resolution is coming to the Board of Supervisors now, over four months after the grant start date, because of administrative delays.

Recommendations: Approve the proposed resolution.

Harvey M. Rose

cc: Supervisor McGoldrick
Supervisor Maxwell
Supervisor Ammiano
Clerk of the Board
Controller
Ben Rosenfield
Ted Lakey

Project: Installation of air monitoring equipment in Bayview Hunters Point, Data Collection and Community Education

PHASE I - INSTALLATION AND SITING BUDGET - MONTHS 0-4

EXPENDITURES	Budget
SALARIES	
Department of Environment (DoE) Salaries:	
All salaries for DoE will be provided in-kind (2 staff @ 8hrs/week)	
Literacy for Environmental Justice (LEJ) Salaries (Partnering Organization):	
LEJ director	$ 1,644
.10 LEJ Coordinator	$ 1,456
Fringe Benefits 22%	$ 682
Total Personnel Costs:	$ 3,782
Non-Personnel Expenses:	
Facility installation-power and phone line installation, transport, security fencing, additional preparation	$ 10,000
Supplies	$ 500
10% Admin Fee/ Tides Center	$ 428
Total Non-Personnel Costs:	$ 10,928
Grand Total Phase I	**$ 14,710**

PHASE II - OPERATING and EDUCATION - MONTHS 5 –17

EXPENDITURES	Budget
SALARIES:	
DoE Salaries:	
All salaries for DoE will be provided in-kind (2 staff @ 8hrs/week)	
LEJ/Partnering Organization Salaries	
.05 LEJ Director	$ 2,496
.25 LEJ Coordinator	$ 10,920
Youth team (3)	$ 5,616
Fringe Benefits 22%	$ 3,738
Sub-Total:	$ 22,770
Total Personnel Costs:	**$ 22,770**
Non-Personnel Expenses:	
Facility Maintenance – utilities, phone, DSL	$ 2,500
Fiscal Agent /Tides Center	$ 3,077
Total Non-Personnel Costs:	**$ 5,577**
Grand Total Phase II	**$ 28,347**

PHASE III – FINAL ANALYSIS AND REPORTING - MONTHS 16 –18

EXPENDITURES	Budget
SALARIES:	
DoE Salaries:	
All salaries for DoE will be provided in-kind (2 staff @ 8hrs/week)	
LEJ/Partnering Organization Salaries:	
LEJ Director	$ 624
LEJ Coordinator	$ 2,730
Youth team (3)	$ 1,535
Fringe Benefits	$ 935
Subtotal:	$5,824
Total Personnel Costs:	**$ 5,824**
Non-Personnel Expenses:	
Supplies	$ 500
10% Admin. Fee/Tides Center	$ 619
Total Non-Personnel Costs:	$ 1,119
Grand Total Phase III	**$ 6,943**
Total Amount Requested from The San Francisco Foundation:	**$ 50,000**

File Number: _____ _____
(Provided by Clerk of Board of Supervisors)

Grant Information Form
(Effective January 2000)

Purpose: Accompanies proposed Board of Supervisors resolutions authorizing a Department to accept and expend grant funds.

The following describes the grant referred to in the accompanying resolution:

1. Grant Title: Air Monitoring Project in Bayview Hunters Point

2. Department: Environment

3. Contact Person: Shawn Rosenmoss Telephone: 415-355-3746

4. Grant Approval Status (check one):

[X] Approved by funding agency [ ] Not yet approved

5. Amount of Grant Funding Approved or Applied for: $ 50,000

6a. Matching Funds Required: $ 0
b. Source(s) of matching funds (if applicable):

7a. Grant Source Agency: San Francisco Foundation
b. Grant Pass-Through Agency (if applicable): Literacy for Environmental Justice

8. Proposed Grant Project Summary: The Department of the Environment's Environmental Justice Program will locate a state-of-the-art air monitor in Bayview Hunters Point in order to measure the ambient air quality and pollution levels of this highly impacted neighborhood.

9. Grant Project Schedule, as allowed in approval documents, or as proposed:

Start-Date: 12/1/2002 End-Date: 5/31/2004

10. Number of new positions created and funded: 0

11. If new positions are created, explain the disposition of employees once the grant ends?

12a. Amount budgeted for contractual services: 0

b. Will contractual services be put out to bid? no

c. If so, will contract services help to further the goals of the department's MBE/WBE requirements?

d. Is this likely to be a one-time or ongoing request for contracting out?

13a. Does the budget include indirect costs? [ ] Yes [X] No

b1. If yes, how much? $
b2. How was the amount calculated?

c. If no, why are indirect costs not included?
[X] Not allowed by granting agency [ ] To maximize use of grant funds on direct services
[ ] Other (please explain):

14. Any other significant grant requirements or comments:

Disability Access Checklist*

15. This Grant is intended for activities at (check all that apply):

[ ] Existing Site(s) [ ] Existing Structure(s) [X] Existing Program(s) or Service(s)
[ ] Rehabilitated Site(s) [ ] Rehabilitated Structure(s) [] New Program(s) or Service(s)
[ ] New Site(s) [ ] New Structure(s)

16. The Departmental ADA Coordinator and/or the Mayor's Office on Disability have reviewed the proposal and concluded that the project as proposed will be in compliance with the Americans with Disabilities Act and all other Federal, State and local access laws and regulations and will allow the full inclusion of persons with disabilities, or will require unreasonable hardship exceptions, as described in the comments section:

Comments:

Departmental or Mayor's Office of Disability Reviewer: _____
(Name)

Date Reviewed: 1/20/03

Department Approval: Jared Blumenfeld Director
(Name) (Title)

_____
(Signature)

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[Budget Analyst Report]
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CITY AND COUNTY OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

April 9, 2003

TO: Land Use Committee

FROM: Budget Analyst

SUBJECT: April 14, 2003 Land Use Committee Meeting

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Item 1 – File 03-0511

Note: This item was continued by the Land Use Committee at its meeting of April 7, 2003.

Department: Department of the Environment (DOE)

Item: Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of $50,000 from the San Francisco Foundation for locating air monitoring equipment in San Francisco's Bayview Hunters Point community.

Grant Amount: $50,000

Source of Funds: San Francisco Foundation

Grant Period: December 1, 2002 to May 31, 2004 (Approximately one year and six months, see Comment No. 3)

Project: Air Monitoring Project in Bayview Hunters Point

Description: The proposed resolution would authorize the Department of the Environment (DOE) to accept and expend a $50,000 grant from the San Francisco Foundation, a non-profit

organization, to (a) install air monitoring equipment in the Bayview Hunters Point community, (b) oversee and interpret data collected, (c) create and maintain a website with real-time data, (d) conduct community outreach about the project and (e) design a classroom curriculum about air quality. According to Ms. Hillary Amsberry of the DOE, such services would be provided by Literacy for Environmental Justice (LEJ), under an agreement between the DOE and LEJ, subject to Board of Supervisors approval of this proposed resolution. The air monitoring equipment would be loaned to the DOE by the California Air Resources Board (CARB). The data that is gathered through the air monitoring equipment will allow the DOE to assess the prevalence of specific pollutants in the Bayview Hunters Point community.

Budget: The $50,000 budget for the Literacy for Environmental Justice (LEJ) to implement the Air Monitoring Project in Bayview Hunters Point is shown in Attachment I, provided by the DOE.

Required Match: None.

Indirect Costs: Indirect costs are not allowed by the granting agency.

Comment:

1. Ms. Shawn Rosenmoss of the DOE advises that the DOE intends to allocate the $50,000 in subject grant funds to LEJ, under a sole source agreement to (a) install air monitoring equipment in the Bayview Hunters Point community, (b) oversee and interpret data collected, (c) create and maintain a website with real-time data, (d) conduct community outreach about the project and (e) design a classroom curriculum about air quality. Ms. Rosenmoss reports that LEJ would be awarded the $50,000 in subject grant funds on a sole source basis because the San Francisco Foundation awarded the proposed grant to the DOE on the condition that LEJ would provide the services listed above. Ms. Rosenmoss further reports that LEJ has been actively involved in the planning of this project.

2. According to Ms. Rosenmoss, and as stated previously, the air monitoring equipment would be loaned to the DOE by CARB, at no charge. Ms. Rosenmoss advises that CARB would continue to be responsible for maintenance

of the equipment during the grant period and would also provide technical support to LEJ for interpretation and analysis of data. Upon completion of the grant period, the equipment would be returned to CARB.

3. Attachment II is the Grant Information Form, provided by the DOE, which includes the Disability Access Checklist. The Grant Information Form states that the start date for the proposed grant was December 1, 2002. Ms. Rosenmoss reports that the proposed resolution is coming to the Board of Supervisors now, over four months after the grant start date, because of administrative delays.

4. The budget information presented in this report was provided by the DOE for the April 7, 2003 Land Use Committee meeting. However, at that Committee meeting the DOE advised the Committee that the budget details in Attachment I, previously submitted by the DOE have been revised. Therefore, the Land Use Committee continued the item for one week and requested that the DOE provide the Budget Analyst with the revised budget. As of the writing of this report, the DOE was unable to provide the Budget Analyst with the revised budget. The Budget Analyst therefore recommends that this item be continued to the Call of the Chair, pending submission of the revised budget.

Recommendations: In accordance with Comment No. 4 above, continue the proposed resolution to the Call of the Chair .

Harvey M. Rose

cc: Supervisor McGoldrick
Supervisor Maxwell
Supervisor Ammiano
Clerk of the Board
Controller
Ben Rosenfield
Ted Lakey

Project: Installation of air monitoring equipment in Bayview Hunters Point, Data Collection and Community Education

PHASE I - INSTALLATION AND SITING BUDGET - MONTHS 0-4

EXPENDITURES	Budget
SALARIES	
Department of Environment (DoE) Salaries:	
All salaries for DoE will be provided in-kind (2 staff @ 8hrs/week)	
Literacy for Environmental Justice (LEJ) Salaries (Partnering Organization):	
LEJ director	$ 1,644
.10 LEJ Coordinator	$ 1,456
Fringe Benefits 22%	$ 682
Total Personnel Costs:	$ 3,782
Non-Personnel Expenses:	
Facility installation-power and phone line installation, transport, security fencing, additional preparation	$ 10,000
Supplies	$ 500
10% Admin Fee/ Tides Center	$ 428
Total Non-Personnel Costs:	$ 10,928
Grand Total Phase I	**$ 14,710**

PHASE II - OPERATING and EDUCATION - MONTHS 5 –17

EXPENDITURES	Budget
SALARIES:	
DoE Salaries:	
All salaries for DoE will be provided in-kind (2 staff @ 8hrs/week)	
LEJ/Partnering Organization Salaries	
.05 LEJ Director	$ 2,496
.25 LEJ Coordinator	$ 10,920
Youth team (3)	$ 5,616
Fringe Benefits 22%	$ 3,738
Sub-Total:	$ 22,770
Total Personnel Costs:	**$ 22,770**
Non-Personnel Expenses:	
Facility Maintenance – utilities, phone, DSL	$ 2,500
Fiscal Agent /Tides Center	$ 3,077
Total Non-Personnel Costs:	**$ 5,577**
Grand Total Phase II	**$ 28,347**

PHASE III – FINAL ANALYSIS AND REPORTING - MONTHS 16 –18

EXPENDITURES	Budget
SALARIES:	
DoE Salaries:	
All salaries for DoE will be provided in-kind (2 staff @ 8hrs/week)	
LEJ/Partnering Organization Salaries:	
LEJ Director	$ 624
LEJ Coordinator	$ 2,730
Youth team (3)	$ 1,535
Fringe Benefits	$ 935
Subtotal:	$5,824
Total Personnel Costs:	**$ 5,824**
Non-Personnel Expenses:	
Supplies	$ 500
10% Admin. Fee/Tides Center	$ 619
Total Non-Personnel Costs:	**$ 1,119**
Grand Total Phase III	**$ 6,943**
Total Amount Requested from The San Francisco Foundation:	**$ 50,000**

File Number: _____ _____
(Provided by Clerk of Board of Supervisors)

Grant Information Form
(Effective January 2000)

Purpose: Accompanies proposed Board of Supervisors resolutions authorizing a Department to acceptand expend grant funds.

The following describes the grant referred to in the accompanying resolution:

1. Grant Title: Air Monitoring Project in Bayview Hunters Point

2. Department: Environment

3. Contact Person: Shawn Rosenmoss Telephone: 415-355-3746

4. Grant Approval Status (check one):

[X] Approved by funding agency [ ] Not yet approved

5. Amount of Grant Funding Approved or Applied for: $ 50,000

6a. Matching Funds Required: $ 0
b. Source(s) of matching funds (if applicable):

7a. Grant Source Agency: San Francisco Foundation
b. Grant Pass-Through Agency (if applicable): Literacy for Environmental Justice

8. Proposed Grant Project Summary: The Department of the Environment's Environmental Justice Program will locate a state-of-the-art air monitor in Bayview Hunters Point in order to measure the ambient air quality and pollution levels of this highly impacted neighborhood.

9. Grant Project Schedule, as allowed in approval documents, or as proposed:

Start-Date: 12/1/2002 End-Date: 5/31/2004

10. Number of new positions created and funded: 0

11. If new positions are created, explain the disposition of employees once the grant ends?

12a. Amount budgeted for contractual services: 0

b. Will contractual services be put out to bid? no

c. If so, will contract services help to further the goals of the department's MBE/WBE requirements?

d. Is this likely to be a one-time or ongoing request for contracting out?

13a. Does the budget include indirect costs? [ ] Yes [X] No

b1. If yes, how much? $
b2. How was the amount calculated?

c. If no, why are indirect costs not included?
[X] Not allowed by granting agency [ ] To maximize use of grant funds on direct services
[ ] Other (please explain):

14. Any other significant grant requirements or comments:

Disability Access Checklist*

15. This Grant is intended for activities at (check all that apply):

[ ] Existing Site(s) [ ] Existing Structure(s) [X] Existing Program(s) or Service(s)
[ ] Rehabilitated Site(s) [ ] Rehabilitated Structure(s) [] New Program(s) or Service(s)
[ ] New Site(s) [ ] New Structure(s)

16. The Departmental ADA Coordinator and/or the Mayor's Office on Disability have reviewed the proposal and concluded that the project as proposed will be in compliance with the Americans with Disabilities Act and all other Federal, State and local access laws and regulations and will allow the full inclusion of persons with disabilities, or will require unreasonable hardship exceptions, as described in the comments section:

Comments:

Departmental or Mayor's Office of Disability Reviewer: _____ (Name)

Date Reviewed: 1/20/03

Department Approval: Jared Blumfield Director
(Name) (Title)

_____ (Signature)

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BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

April 23, 2003

TO: Land Use Committee

FROM: Budget Analyst

SUBJECT: April 28, 2003 Land Use Committee Meeting

Item 4 – File 02-1726

Note: The Office of the Sponsor of the proposed ordinance has advised the Budget Analyst that this item will be Continued to the Call of the Chair pending an Amendment of the Whole and the submission by the Department of Public Works of fee analysis and justification for the proposed new fees.

Department: Department of Public Works (DPW)

Item: Ordinance adding Section 726 of the Public Works Code to regulate placement of mobile storage containers on public rights of way.

Description: The proposed ordinance adds Section 726 to the Public Works Code to regulate the placement of mobile storage containers on the public rights-of-way by (a) requiring annual permits at a cost of $500 and individual location permits at a cost of $100 for the first two days, and $50 every day thereafter, (b) setting fees and other requirements for the annual and individual location permits, (c) establishing regulations for the siting of mobile storage containers, and (d) requiring an annual permit deposit in the amount of $30,000.

Comments: 1. According to Mr. John Malamut of the City Attorney's Office, the City's fees cannot exceed the City's costs of

providing services, pursuant to Proposition 13 under the California Constitution, Article 13A. According to Ms. Tina Olson of the DPW, the DPW has not yet fully analyzed the costs for DPW to issue the proposed permits to regulate the placement of mobile storage containers. Therefore, Ms. Olson advises that the DPW cannot verify whether the proposed fees would fully recover costs or whether such fees would exceed the costs of issuing the permits.

2. According to Ms. Marla Taylor of the Controller's Office, the Controller's Office has not yet received the "Fees and Service Charges Revenue Template" from the DPW which the Controller's Office requires for reviewing the estimated revenues to be received from the proposed new fees.

Recommendation: Continue the proposed ordinance pending review by the Controller and the Budget Analyst of the DPW's fee setting methodology, cost analysis, and revenue projections for the annual and individual location permit fees.

Harvey M. Rose

cc: Supervisor McGoldrick
Supervisor Maxwell
Supervisor Ammiano
Clerk of the Board
Controller
Ben Rosenfield
Ted Lakey

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[Budget Analyst Report]
Susan Hom
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CITY AND COUNTY OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

April 30, 2003

TO: Land Use Committee

FROM: Budget Analyst

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SUBJECT: May 5, 2003 Land Use Committee Meeting

Item 5 – File 02-1726

Note: This item was continued at the April 28, 2003 Land Use Committee Meeting.

Department: Department of Public Works (DPW)

Item: Ordinance adding Sections 726 of the Public Works Code to regulate placement of mobile storage containers on the public right of way.

Description: The proposed ordinance adds Section 726 to the Public Works Code to regulate the placement of mobile storage containers on the public right to (a) require annual and individual location permits, (b) set fees and other requirements for the annual and individual location permits, (c) establish regulations for the siting of mobile storage containers, and (d) require an annual permit deposit in the amount of $30,000.

According to Mr. John Malamut of the City Attorney's Office, currently the City does not have a program that specifically regulates mobile storage containers which the proposed subject ordinance defines as "a movable container that is temporarily placed on the public right-of-way and used by

property owners or tenants for short-term storage of items, including, but not limited to, clothing, equipment, goods, household or office fixtures or furnishings, materials, and merchandise."[1] Mr. Malamut states that currently placing a mobile storage container on the public right-of-way would require either a Minor Encroachment permit (Section 723.2 of the Public Works Code) or a Temporary Occupancy permit (Section 724 of the Public Works Code). Mr. Malamut advises that the proposed ordinance would provide a program that specifically regulates mobile storage containers and would delete the existing requirement that individuals or businesses that place mobile storage containers on the public rights-of-way obtain either a Minor Encroachment permit (Section 723.2 of the Public Works Code) or a Temporary Occupancy permit (Section 724 of the Public Works Code).

The proposed ordinance would require that any individual or company that operates a mobile storage container business and plans to locate a mobile storage container on the public right-of-way in San Francisco apply for and obtain an annual permit from DPW at an annual cost of $500. The Director of the DPW would have the discretion to approve, conditionally approve or deny annual permits for mobile storage containers. The applicant could appeal such decisions made by the Director of DPW to the Board of Appeals.

The proposed ordinance would also require that, in addition to the Annual Permit described above, an Individual Location Permit be obtained by any individual or company that operates a mobile storage container business from the DPW for each siting of a mobile storage container placed on the public right-of-way. In accordance with the proposed ordinance, only Annual Permit holders could apply for Individual Location Permits. The Director of the DPW would have the discretion to approve, conditionally approve or deny Individual Locations Permits for mobile storage containers and the applicant could appeal such decisions made by the Director of DPW to the Board of Appeals. The Individual Location Permit fee would be $100 for the first two days regardless of (1) the number of containers placed in the public right-of-way, (2) the size of the public right-of-way

[1] Mr. Malamut notes that a mobile storage container is not a debris box or a dumpster that is provided for the removal of construction materials and other trash collection purposes.

occupied, and (3) if the occupancy is for one or two days. On the third day, the Individual Location Permit fee would be $50 per Mobile Storage Container per day. As previously stated, the Individual Location Permit fees would be in addition to the $500 fee required for the Annual Permit.

The proposed ordinance would also require that a $30,000 deposit be made for the purpose of paying for any damages to the public rights-of-way caused by the placement of mobile storage containers. Each applicant for an Annual Permit will be required to make such $30,000 deposits in the form of a bond, cash deposit, or other security acceptable to the DPW. The permittee may expend up to $5,000 of the $30,000 deposit to pay the DPW for Individual Location Permit fees, such that a minimum $25,000 deposit must be maintained with the with the DPW. If a permittee damages the City's rights-of-way and the deposit is used by the DPW to repair such damage, the permittee would be required to pay the DPW the additional amount necessary to maintain a minimum deposit of $25,000. According to Mr. Malamut, the DPW would refund the balance of the monies on deposit should the permittee not renew the Annual Permit. The proposed ordinance would also require Annual Permit holders to maintain insurance for not less than $1,000,000 each for (1) workers' compensation, (2) commercial general liability, and (3) automobile liability.

The proposed ordinance would also establish various regulations for the siting of Mobile Storage Containers, such as that Mobile Storage Containers (1) could not occupy more than a parking space lane width and not more than one-half of the sidewalk, (2) could front only the property using the Mobile Storage Container(s), (3) could not be placed at a slope greater than 17 percent, and (4) could not be transported in residentially zoned areas between the hours of 7 p.m. and 6 a.m. The proposed ordinance would allow the Director of the DPW to grant exceptions for all of these regulations.

Comments:

1. Ms. Tina Olson of the DPW estimates that the proposed permit fees would recover 100 percent of DPW's administrative costs pertaining to the issuance of the subject permits.

2. Ms. Olson has provided the basis of her estimates in the attached memorandum to this report. The Budget Analyst has reviewed Ms. Olson's estimates and finds such estimates to be reasonable.

3. As reported in the Attachment provided by Ms. Olson, the Annual Permit fees will generate an estimated $1,499 annually. In addition, Ms. Olson estimates the Individual Location permits will generate an estimated $50,150 annually. Ms. Olson further reports that such revenues, totaling $51,649 annually, should result in a full recovery of the related DPW administrative costs. In addition, Ms. Olson advises that existing fine provisions in Section 724.5 of the Public Works Code would allow fines of $100 to be charged to individuals and businesses that place mobile storage containers on public rights-of-way without obtaining the necessary permits that the proposed ordinance would require. Ms. Olson estimates that such fines would generate additional revenues of approximately $5,000 annually.

Recommendation: Approval of the proposed ordinance is a policy matter for the Board of Supervisors.

City and County of San Francisco

Phone: (415) 554-6920
Fax: (415) 554-6944
TDD: (415) 554-6900
http://www.sfdpw.com

Willie Lewis Brown, Jr., Mayor
Edwin M. Lee, Director

Department of Public Works
Finance and Budget Division
City Hall, Room 340
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4645
Tina Olson, Division Manager

MEMORANDUM

Date: April 30, 2003

To: Harvey Rose, Budget Analyst

From: Tina Olson, DPW

Subject: Mobile Storage Container Legislation

As requested, the following is a summary of DPW's estimated costs to implement the proposed Mobile Storage Container legislation that are contained in Attachments I and II.

Annual Permits: We estimate it will take 6.5 hours of DPW staff time to issue annual permits to mobile container companies for a total cost of $499.54 per annual permit including DPW's overhead and the City's COWCAP rates. Most of the estimated time would be spent reviewing and verifying the insurance requirements contained in the proposed legislation. We know of the following three mobile container companies: Shurguard Storage and Go Inc, Public Storage, and Door to Door. Thus, we estimate that the annual permit will generate approximately $1,499 annually.

Site Permits: We estimate it will require a total of 1.1 hours of DPW to issue and inspect mobile container site permits at a total cost of $78.05 per site permit. We estimate that there will be 500 site permits annually. In addition, we estimate that it will take an average of 1.5 hours of staff time to investigate mobile storage container complaints and that there will be approximately 110 complaints annually for a total cost of $10,784 to investigate complaints. Finally, the City Attorney estimates to spend two hours annually responding to legal issues around the mobile storage ordinance for a total cost $340 annually. Thus, the total cost to the City to administer, inspect and enforce the proposed mobile storage container legislation is $50,150. Thus, the estimated site permit fee should be approximately $100 since we estimate 500 total annual site permits (500 site permits/$50,150 = $100 (rounded).

Other Revenues: Existing Public Works Code includes a $100 fine for non-compliance. We estimate to issue approximately 50 fines annually. Thus, we estimate the proposed $100 fine will generate approximately $5,000 annually ($100 x 50 = $5,000).

Mobile Container Storage Legislation
DPW's Cost to Administer Annual Permits
FY 2002-03

Annual Permit Administration	Position	Avg Hrs per Permit	Hrly Rate	MFB & PTO	Overhead	COWCAP	Total Labor Costs
Process Permit Application	5366 Engineering Assoc II	6.5	$33.66	$15.26	$19.56	$6.41	$486.84
Admin/Clerical for data entry	1426 Sr. Clerk Typist	0.25	22.83	10.35	13.27	4.35	12.70
	Total	6.75					$499.54
							1498.629281

The cost to DPW of issuing one Annual Permit would be approximately $499.54 based on labor costs, including overhead, for 6.5 hours for a 5366 Engineering Associate to review the application including ensuring the company has met all of the insurance requirements outlined in the proposed legislation, and .25 hours for a 1426 Senior Clerk Typist to process the application. We anticipates that the $500 proposed Annual Permit Fee would cover 100 percent of the cost forus to provide the Annual Permit.

Source: DPW, April 30, 2003

Mobile Container Storage Legislation
DPW's Cost to Administer, Inspect and Enforce Legislation
FY 2002-03

Site Permit Administration/Inspection	Position	Avg Hrs per Permit	Hrly Rate	MFB & PTO	Overhead	COWCAP	Total Labor Costs
Process Permit Application	5366 Engineering Assoc II	0.5	$33.66	$15.26	$19.56	$6.41	$37.45
Inspect Cost Per Permit	6230 Street Inspector	0.5	29.08	13.18	16.90	5.54	32.35
Staff Supervision	6232 Street Inspector Supv	0.1	37.11	16.82	21.57	7.07	8.26
Total Cost Per Permit		1.1					$78.05
Total Estimated Permits Annually							500
Annual Permit Costs							$39,027
Complaint Investigation							
Admin/Clerical for data entry and complaint processing	1426 Sr. Clerk Typist	0.25	22.83	10.35	13.27	4.35	12.70
Complaint Investigation	6230 Street Inspector	1.0	29.08	13.18	16.90	5.54	64.69
Staff Supervision	6232 Street Inspector Supv	0.25	37.11	16.82	21.57	7.07	20.64
Total Complaint Investigation		1.5					$98
Estimated Annual Complaints							110
Annual Complaint Costs							$10,784
City Attorney Time	8180 Deputy City Attorney	2	170				$340
Total Permit Costs							$50,150
Cost Per Permit							**$100**

Other Revenues:

Fines $100 per fine, estimate 50 fines annually	$5,000
Total Revenues	**$55,150**

Source: DPW, April 30, 2003

We estimate that the cost of issuing Individual Location Permits, which would include permit inspection and complaint investigation, would be approximately $98 for each permit. Therefore, we anticipates that the 2-day $100 Individual Location Permit Fee would cover 102 percent of the cost of providing the Individual Location Permit. The Individual Location Permit would cost $100 for the first 2 days and $50 everyday thereafter.Our estimate does not anticipate that Mobile Storage Container permits would exceed two days because over 95 percent of the Individual Location Permits will be for less than two days.

Source: DPW, April 30, 2003

Item 8 – File 03-0417

Note: This item was continued by the Land Use Committee on April 21, 2003.

Departments: Redevelopment Agency
Mayor's Office of Economic Development

Item: Resolution urging the California Legislature to enact the Hunters Point Shipyard Development Authority Act of 2003, which would add Article 10 to Chapter 4.5 of Part 1 of the Division 24 of the Health and Safety Code.

Description: The proposed resolution endorses the Hunters Point Shipyard Development Authority Act of 2003 and urges the California Legislature to enact the Hunters Point Shipyard Development Authority Act of 2003 (the Act), which would transfer responsibility for the Hunters Point Shipyard from the Redevelopment Agency to a newly formed Hunters Point Shipyard Development Authority (HUPSDA). This Act would govern the establishment of the HUPSDA, provide for the appointment of a six-member HUPSDA board and the authority, powers, and duties of the HUPSDA.

Comment: The Office of the Sponsor of the proposed ordinance has advised the Budget Analyst that this item will be Continued to the Call of the Chair.

Recommendation: Continue the proposed ordinance in accordance with the direction of the Office of the Sponsor.

Memo to Land Use Committee
May 5, 2003 Land Use Committee Meeting

Harvey M. Rose

cc: Supervisor McGoldrick
Supervisor Maxwell
Supervisor Ammiano
Clerk of the Board
Controller
Ben Rosenfield
Ted Lakey

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City and County of San Francisco
Meeting Minutes
Land Use Committee

Members: Jake McGoldrick, Sophie Maxwell and Tom Ammiano

Clerk: Gail Johnson

Monday, May 19, 2003 | **1:00 PM** | **City Hall, Room 263**

Regular Meeting

Members Present: Jake McGoldrick, Sophie Maxwell.

Members Absent: Tom Ammiano.

MEETING CONVENED

The meeting convened at 1:02 p.m.

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REGULAR AGENDA

030511 **[Accept-Expend Foundation Grant]**
Resolution authorizing the Department of Environment to accept and expend a grant in the amount of $50,000 from the San Francisco Foundation for locating air monitoring equipment in San Francisco's Bayview Hunters Point community. (Environment)

(Public Benefit Recipient.)
3/24/03, RECEIVED AND ASSIGNED to Land Use Committee. Department requests this item be scheduled for consideration as soon as possible.
4/7/03, CONTINUED. Heard in Committee. Speakers: Mark Weston, Department of the Environment; Sarah Graham, Budget Analyst's Office.
Continued to 4/14/03.
4/14/03, CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Francisco De Pasta; Andrew Bozeman; Sylvia Johnson.
Heard in Committee. Speakers: Mark Westlund, Department of the Environment; Elaine Forbes, Budget Analyst's Office; John Kennedy, Deputy City Attorney.
5/19/03 Amend the title on page 1 line 4, after "community" add ", placing $10,000 on reserve". At page 1 line 19, after "Point," add "with $10,000 placed on reserve;".
Amendment of the Whole bearing new title prepared in Committee.
AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE.

Resolution authorizing the Department of Environment to accept and expend a grant in the amount of $50,000 from the San Francisco Foundation for locating air monitoring equipment in San Francisco's Bayview Hunters Point community, placing $10,000 on reserve. (Environment)

(Public Benefit Recipient.)

RECOMMENDED AS AMENDED by the following vote:

Ayes: 2 - McGoldrick, Maxwell
Absent: 1 - Ammiano

021726 **[Regulation of mobile storage containers on the public right-of-way]**

Supervisors Sandoval, Maxwell

Ordinance adding Sections 726 et seq. of the Public Works Code to regulate placement of mobile storage containers on the public right-of-way.

10/16/02, ASSIGNED UNDER 30 DAY RULE to Public Works and Public Protection Committee, expires on 11/14/2002.

12/16/02, ASSIGNED to Public Works and Public Protection Committee.

12/16/02, SUBSTITUTED. Supervisor Sandoval submitted a substitute ordinance bearing same title.

12/31/02, REFERRED TO DEPARTMENT. Referred to Small Business Commission for review and comment.

2/4/03, TRANSFERRED to Land Use Committee. Transferred pursuant to new committee structure, 2/17/03.

3/11/03. RESPONSE RECEIVED. From department making suggestions for amending legislation.

4/28/03, CONTINUED. Heard in Committee. Speaker: Supervisor Sandoval.
Continued to 5/5/03.

5/5/03, AMENDED. AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. Heard in Committee. Speakers: Supervisor Sandoval; John Kennedy, Deputy City Attorney; Seth Huntington. Department of Public Works: John Malamut. Deputy City Attorney; Jeremiah Hallise. Public Storage; Steven Koehler. Public Storage Inc.; Mark Beck. District Manager. Shurgard Storage.
Continued to 5/19/03. Supervisor Maxwell added as co-sponsor.

5/5/03. CONTINUED.

Speakers: None.
Continued to 6/9/03.

CONTINUED by the following vote:

Ayes: 2 - McGoldrick, Maxwell
Absent: 1 - Ammiano

ADJOURNMENT

The meeting adjourned at 1:08 p.m.

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[Budget Analyst Report]
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CITY AND COUNTY OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

May 14, 2003

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TO: Land Use Committee

FROM: Budget Analyst

SUBJECT: May 19, 2003 Land Use Committee Meeting

Item 1 – File 03-0511

Note: This item was continued to the Call of the Chair by the Land Use Committee at its meeting of April 14, 2003.

Department: Department of the Environment (DOE)

Item: Resolution authorizing the Department of the Environment to accept and expend a grant in the amount of $50,000 from the San Francisco Foundation for locating air monitoring equipment in San Francisco's Bayview Hunters Point community.

Grant Amount: $50,000

Source of Funds: San Francisco Foundation

Grant Period: December 1, 2002 to May 31, 2004 (Approximately one year and six months, see Comment No. 3)

Project: Air Monitoring Project in Bayview Hunters Point

Description: The proposed resolution would authorize the Department of the Environment (DOE) to accept and expend a $50,000 grant from the San Francisco Foundation, a non-profit

organization, to (a) install air monitoring equipment in the Bayview Hunters Point community, (b) oversee and interpret data collected, (c) create and maintain a website with real-time data, (d) conduct community outreach about the project and (e) design a classroom curriculum about air quality. According to Ms. Hillary Amsberry of the DOE, such services, except for the installation of the air monitoring equipment, would be provided by Literacy for Environmental Justice (LEJ), under an agreement between the DOE and LEJ, subject to Board of Supervisors approval of this proposed resolution. The air monitoring equipment would be loaned to the DOE by the California Air Resources Board (CARB). The data that is gathered through the air monitoring equipment will allow the DOE to assess the prevalence of specific pollutants in the Bayview Hunters Point community.

Budget: The $50,000 budget for the Literacy for Environmental Justice (LEJ) to implement the Air Monitoring Project in Bayview Hunters Point is shown in Attachment I, provided by the DOE.

Required Match: None.

Indirect Costs: Indirect costs are not allowed by the granting agency.

Comments: 1. Ms. Shawn Rosenmoss of the DOE advises that the DOE intends to allocate $35,006 of the $50,000 in subject grant funds to LEJ, under a sole source agreement to (a) oversee and interpret data collected by air monitoring equipment in Bayview Hunters Point, (b) work with the DOE to create and maintain a website with real-time data, (c) conduct community outreach about the project and (d) design a classroom curriculum about air quality. Ms. Rosenmoss reports that LEJ would be awarded the $35,006 in subject grant funds on a sole source basis because the San Francisco Foundation awarded the proposed grant to the DOE on the condition that LEJ would provide the services listed above. Ms. Rosenmoss further reports that LEJ has been actively involved in the planning of this project.

2. According to Ms. Rosenmoss, $4,994 in subject grant funds have been budgeted by the DOE to partially fund salary and fringe benefit expenditures, which total

$14,352, for DOE staff working on the Air Monitoring Project in Bayview Hunters Point, as shown in Attachment I. Ms. Rosenmoss advises that the remaining salary and fringe benefit expenditures, or $9,358, would be provided in-kind by the DOE since work performed under the Air Monitoring Project in Bayview Hunters Point would be included in the regular duties of such staff. Ms. Rosenmoss further advises that staff time from CARB and the Bay Area Air Quality Management District (BAAQMD) would be provided in-kind.

3. Ms. Rosenmoss reports that the budget in Attachment I includes $10,000 for power and phone line installation and for security fencing as part of the installation of air monitoring equipment in the Bayview Hunters Point community. According to Ms. Rosenmoss, the DOE has not yet determined the final budget or the details of how this $10,000 will be expended. Therefore, Ms. Rosenmoss reports that the DOE requests that the $10,000 for installation of the air monitoring equipment be placed on reserve until budget details for this portion of the project are determined.

4. According to Ms. Rosenmoss, the air monitoring equipment, with an estimated value of $250,000, as shown in Attachment I, would be loaned to the DOE by California Air Resources Board (CARB), at no cost to the DOE. Ms. Rosenmoss advises that CARB would continue to be responsible for maintenance of the equipment during the grant period and would also provide technical support to LEJ for interpretation and analysis of data. Upon completion of the grant period, the equipment would be returned to CARB.

5. Attachment II is the Grant Information Form, provided by the DOE, which includes the Disability Access Checklist. The Grant Information Form states that the start date for the proposed grant was December 1, 2002. Ms. Rosenmoss reports that the proposed resolution is coming to the Board of Supervisors now, over six months after the grant start date, because of administrative delays.

Recommendations:

1. In accordance with Comment No. 3, amend the proposed resolution to reserve $10,000 of the proposed $50,000 grant, pending submission by the DOE to the Land Use Committee of the budget details for power and phone line installation and for security fencing.

2. Approve the proposed resolution, as amended.

EXPENDITURES	Total project budget	Dept of Env from SFF	LEJ from SFF	San Francisco Foundation Total Grant
Personnel - state, region, and CCSF:				
2 Senior Scientist (CARB/BAAQMD) @ 4hrs/week @ $75	$ 31,200			
3 Technical staff (CARB/BAAQMD) @ 4hrs/week @ $45K	$ 28,080			
DOE Staff (2 staff @ 3 hr/week @ $46/hour - includes fringe)	$ 14,352	$ 4,994		$ 4,994
Subtotal – Salaries:	**$ 73,632**	**$ 4,994**	**$ -**	**$ 4,994**
Personnel - Literacy for Environmental Justice (nonprofit)				
LEJ director	$ 4,764		$ 4,764	$ 4,764
LEJ Coordinator	$ 15,106		$ 15,106	$ 15,106
Youth team (3 individuals - stipends, no fringes)	$ 7,082		$ 7,082	$ 7,082
LEJ Fringe Benefits @ 22%	$ 4,371		$ 4,371	$ 4,371
Total Personnel Costs:	**$ 104,955**	**$ 4,994**	**$ 31,323**	**$ 36,317**
Non-Personnel Expenses:				
Air Monitoring Station, Trailer and related Equipment	$ 250,000			
Facility installation-power and phone line installation, transport, security fencing, additional preparation - final amount to be determined once the final site is selected	$ 10,000			$ 10,000
Supplies	$ 500		$ 500	$ 500
Total Non-Personnel Costs:	**$ 260,500**		**$ 500**	**$ 10,500**
10% Admin Fee for LEJ through Tides	$ 3,182		$ 3,182	$ 3,182
Grand Total	**$ 368,638**	**$ 4,994**	**$ 35,006**	**$ 50,000**

Attachment I

File Number: _____
(Provided by Clerk of Board of Supervisors)

Grant Information Form
(Effective January 2000)

Purpose: Accompanies proposed Board of Supervisors resolutions authorizing a Department to accept and expend grant funds.

The following describes the grant referred to in the accompanying resolution:

1. Grant Title: Air Monitoring Project in Bayview Hunters Point

2. Department: Environment

3. Contact Person: Shawn Rosenmoss Telephone: 415-355-3746

4. Grant Approval Status (check one):

[X] Approved by funding agency [ ] Not yet approved

5. Amount of Grant Funding Approved or Applied for: $ 50,000

6a. Matching Funds Required: $ 0
b. Source(s) of matching funds (if applicable):

7a. Grant Source Agency: San Francisco Foundation
b. Grant Pass-Through Agency (if applicable): Literacy for Environmental Justice

8. Proposed Grant Project Summary: The Department of the Environment's Environmental Justice Program will locate a state-of-the-art air monitor in Bayview Hunters Point in order to measure the ambient air quality and pollution levels of this highly impacted neighborhood.

9. Grant Project Schedule, as allowed in approval documents, or as proposed:

Start-Date: 12/1/2002 End-Date: 5/31/2004

10. Number of new positions created and funded: 0

11. If new positions are created, explain the disposition of employees once the grant ends?

12a. Amount budgeted for contractual services: 0

b. Will contractual services be put out to bid? no

c. If so, will contract services help to further the goals of the department's MBE/WBE requirements?

d. Is this likely to be a one-time or ongoing request for contracting out?

13a. Does the budget include indirect costs? [ ] Yes [X] No

b1. If yes, how much? $
b2. How was the amount calculated?

c. If no, why are indirect costs not included?
[X] Not allowed by granting agency [ ] To maximize use of grant funds on direct services
[ ] Other (please explain):

14. Any other significant grant requirements or comments:

****Disability Access Checklist*****

15. This Grant is intended for activities at (check all that apply):

[ ] Existing Site(s) [ ] Existing Structure(s) [X] Existing Program(s) or Service(s)
[ ] Rehabilitated Site(s) [ ] Rehabilitated Structure(s) [] New Program(s) or Service(s)
[ ] New Site(s) [ ] New Structure(s)

16. The Departmental ADA Coordinator and/or the Mayor's Office on Disability have reviewed the proposal and concluded that the project as proposed will be in compliance with the Americans with Disabilities Act and all other Federal, State and local access laws and regulations and will allow the full inclusion of persons with disabilities, or will require unreasonable hardship exceptions, as described in the comments section:

Comments:

Departmental or Mayor's Office of Disability Reviewer: _____
(Name)

Date Reviewed: 1/20/03

Department Approval: Jared Blumenfeld Director
(Name) (Title)

_____
(Signature)

Item 2 – File 02-1726

Note: This item was continued at the May 5, 2003 Land Use Committee Meeting and was amended on May 19, 2003. This report reflects the Amendment of the Whole introduced on May 19, 2003.

Department: Department of Public Works (DPW)

Item: Ordinance adding Sections 726 of the Public Works Code to regulate placement of mobile storage containers on the public right of way.

Description: The proposed ordinance adds Section 726 to the Public Works Code to regulate the placement of mobile storage containers on the public right to (a) require annual and individual location permits, (b) set fees and other requirements for the annual and individual location permits, (c) establish regulations for the siting of mobile storage containers, and (d) require an annual permit deposit in the amount of $30,000.

According to Mr. John Malamut of the City Attorney's Office, currently the City does not have a program that specifically regulates mobile storage containers which the proposed subject ordinance defines as "a movable container that is temporarily placed on the public right-of-way and used by property owners or tenants for short-term storage of items, including, but not limited to, clothing, equipment, goods, household or office fixtures or furnishings, materials, and merchandise."[1] Mr. Malamut states that currently placing a mobile storage container on the public right-of-way would require either a Minor Encroachment permit (Section 723.2 of the Public Works Code) or a Temporary Occupancy permit (Section 724 of the Public Works Code). Mr. Malamut advises that the proposed ordinance would provide a program that specifically regulates mobile storage containers and would delete the existing requirement that individuals or businesses that place mobile storage containers on the public rights-of-way obtain either a Minor Encroachment permit

[1] Mr. Malamut notes that a mobile storage container is not a debris box or a dumpster that is provided for the removal of construction materials and other trash collection purposes.

(Section 723.2 of the Public Works Code) or a Temporary Occupancy permit (Section 724 of the Public Works Code).

The proposed ordinance would require that any individual or company that operates a mobile storage container business and plans to locate a mobile storage container on the public right-of-way in San Francisco apply for and obtain an annual permit from DPW at an annual cost of $500. The Director of the DPW would have the discretion to approve, conditionally approve or deny annual permits for mobile storage containers. The applicant could appeal such decisions made by the Director of DPW to the Board of Appeals.

The proposed ordinance would also require that, in addition to the Annual Permit described above, an Individual Location Permit be obtained by any individual or company that operates a mobile storage container business from the DPW for each siting of a mobile storage container placed on the public right-of-way. In accordance with the proposed ordinance, only Annual Permit holders could apply for Individual Location Permits. The Director of the DPW would have the discretion to approve, conditionally approve or deny Individual Locations Permits for mobile storage containers and the applicant could appeal such decisions made by the Director of DPW to the Board of Appeals. The Individual Location Permit fee would be $100 for the first two days regardless of (1) the number of containers placed in the public right-of-way, (2) the size of the public right-of-way occupied, and (3) if the occupancy is for one or two days. On the third day, the Individual Location Permit fee would be $50 per Mobile Storage Container per day. As previously stated, the Individual Location Permit fees would be in addition to the $500 fee required for the Annual Permit.

The proposed ordinance would also require that a $30,000 deposit be made for the purpose of paying for any damages to the public rights-of-way caused by the placement of mobile storage containers. Each applicant for an Annual Permit will be required to make such $30,000 deposits in the form of a bond, cash deposit, or other security acceptable to the DPW. The permittee may expend up to $5,000 of the $30,000 deposit to pay the DPW for Individual Location Permit fees, such that a minimum $25,000 deposit must be maintained with the with the DPW. If a permittee damages the City's

rights-of-way and the deposit is used by the DPW to repair such damage, the permittee would be required to pay the DPW the additional amount necessary to maintain a minimum deposit of $25,000. The proposed ordinance requires that the DPW refund the balance of the monies on deposit should the permittee choose to terminate or not renew the Annual Permit. The proposed ordinance would also require Annual Permit holders to maintain insurance for not less than $1,000,000 each for (1) workers' compensation, (2) commercial general liability, and (3) automobile liability.

The proposed ordinance would also establish various regulations for the siting of Mobile Storage Containers, such as that Mobile Storage Containers (1) could not occupy more than a parking space lane width and not more than one-half of the sidewalk, (2) could front only the property using the Mobile Storage Container(s), (3) could not be placed at a slope greater than 17 percent, (4) must be clean and free of graffiti at all times, and (5) could not be transported in residentially zoned areas between the hours of 7 p.m. and 6 a.m. The proposed ordinance would allow the Director of the DPW to grant exceptions for all of these regulations.

Comments:

1. Ms. Tina Olson of the DPW estimates that the proposed permit fees would recover 100 percent of DPW's administrative costs pertaining to the issuance of the subject permits.

2. Ms. Olson has provided the basis of her estimates in the attached memorandum to this report. The Budget Analyst has reviewed Ms. Olson's estimates and finds such estimates to be reasonable.

3. As reported in the Attachment provided by Ms. Olson, the Annual Permit fees will generate an estimated $1,499 annually. In addition, Ms. Olson estimates the Individual Location permits will generate an estimated $50,150 annually. Ms. Olson further reports that such revenues, totaling $51,649 annually, should result in a full recovery of the related DPW administrative costs. In addition, Ms. Olson advises that existing fine provisions in Section 724.5 of the Public Works Code would allow fines of $100 to be charged to individuals and businesses that place mobile storage containers on public rights-of-way without obtaining the

necessary permits that the proposed ordinance would require. Ms. Olson estimates that such fines would generate additional revenues of approximately $5,000 annually.

Recommendation: Approval of the proposed ordinance is a policy matter for the Board of Supervisors.

Harvey M. Rose

cc: Supervisor McGoldrick
Supervisor Maxwell
Supervisor Ammiano
Clerk of the Board
Controller
Ben Rosenfield
Ted Lakey

Attachment

City and County of San Francisco

Phone: (415) 554-6920
Fax: (415) 554-6944
TDD: (415) 554-6900
http://www.sfdpw.com

Willie Lewis Brown, Jr., Mayor
Edwin M. Lee, Director

Department of Public Works
Finance and Budget Division
City Hall, Room 340
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4645
Tina Olson, Division Manager

MEMORANDUM

Date: April 30, 2003

To: Harvey Rose, Budget Analyst

From: Tina Olson, DPW

Subject: Mobile Storage Container Legislation

As requested, the following is a summary of DPW's estimated costs to implement the proposed Mobile Storage Container legislation that are contained in Attachments I and II:

Annual Permits: We estimate it will take 6.5 hours of DPW staff time to issue annual permits to mobile container companies for a total cost of $499.54 per annual permit including DPW's overhead and the City's COWCAP rates. Most of the estimated time would be spent reviewing and verifying the insurance requirements contained in the proposed legislation. We know of the following three mobile container companies: Shurguard Storage and Go Inc, Public Storage, and Door to Door. Thus, we estimate that the annual permit will generate approximately $1,499 annually.

Site Permits: We estimate it will require a total of 1.1 hours of DPW to issue and inspect mobile container site permits at a total cost of $78.05 per site permit. We estimate that there will be 500 site permits annually. In addition, we estimate that it will take an average of 1.5 hours of staff time to investigate mobile storage container complaints and that there will be approximately 110 complaints annually for a total cost of $10,784 to investigate complaints. Finally, the City Attorney estimates to spend two hours annually responding to legal issues around the mobile storage ordinance for a total cost $340 annually. Thus, the total cost to the City to administer, inspect and enforce the proposed mobile storage container legislation is $50,150. Thus, the estimated site permit fee should be approximately $100 since we estimate 500 total annual site permits (500 site permits/$50,150 = $100 (rounded).

Other Revenues: Existing Public Works Code includes a $100 fine for non-compliance. We estimate to issue approximately 50 fines annually. Thus, we estimate the proposed $100 fine will generate approximately $5,000 annually ($100 x 50 = $5,000).

Mobile Container Storage Legislation
DPW's Cost to Administer Annual Permits
FY 2002-03

Annual Permit Administration	Position	Avg Hrs per Permit	Hrly Rate	MFB & PTO	Overhead	COWCAP	Total Labor Costs
Process Permit Application	5366 Engineering Assoc II	6.5	$33.66	$15.26	$19.56	$6.41	$486.84
Admin/Clerical for data entry	1426 Sr. Clerk Typist	0.25	22.83	10.35	13.27	4.35	12.70
	Total	6.75					$499.54
							1498.629281

The cost to DPW of issuing one Annual Permit would be approximately $499.54 based on labor costs, including overhead, for 6.5 hours for a 5366 Engineering Associate to review the application including ensuring the company has met all of the insurance requirements outlined in the proposed legislation, and .25 hours for a 1426 Senior Clerk Typist to process the application. We anticipates that the $500 proposed Annual Permit Fee would cover 100 percent of the cost forus to provide the Annual Permit.

Source: DPW, April 30, 2003

Source: DPW, April 30, 2003

DPW's Cost to Administer, Inspect and Enforce Legislation
FY 2002-03

Site Permit Administration/Inspection	Position	Avg Hrs per Permit	Hrly Rate	MFB & PTO	Overhead	COWCAP	Total Labor Costs
Process Permit Application	5366 Engineering Assoc II	0.5	$33.66	$15.26	$19.56	$6.41	$37.45
Inspect Cost Per Permit	6230 Street Inspector	0.5	29.08	13.18	16.90	5.54	32.35
Staff Supervision	6232 Street Inspector Supv	0.1	37.11	16.82	21.57	7.07	8.26
Total Cost Per Permit		1.1					$78.05
Total Estimated Permits Annually							500
Annual Permit Costs							$39,027
Complaint Investigation							
Admin/Clerical for data entry and complaint processing	1426 Sr. Clerk Typist	0.25	22.83	10.35	13.27	4.35	12.70
Complaint Investigation	6230 Street Inspector	1.0	29.08	13.18	16.90	5.54	64.69
Staff Supervision	6232 Street Inspector Supv	0.25	37.11	16.82	21.57	7.07	20.64
Total Complaint Investigation		1.5					$98
Estimated Annual Complaints							110
Annual Complaint Costs							$10,784
City Attorney Time	8180 Deputy City Attorney	2	170				$340
Total Permit Costs							$50,150
Cost Per Permit							$100
Other Revenues:							
Fines $100 per fine, estimate 50 fines annually							$5,000
Total Revenues							$55,150

Source: DPW, April 30, 2003

We estimate that the cost of issuing Individual Location Permits, which would include permit inspection and complaint investigation, would be approximately $98 for each permit. Therefore, we anticipates that the 2-day $100 Individual Location Permit Fee would cover 102 percent of the cost of providing the Individual Location Permit. The Individual Location Permit would cost $100 for the first 2 days and $50 everyday thereafter.Our estimate does not anticipate that Mobile Storage Container permits would exceed two days because over 95 percent of the Individual Location Permits will be for less than two days.

Source: DPW, April 30, 2003

[Budget Analyst Report]
Susan Hom
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CITY AND COUNTY OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

June 5, 2003

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TO: Land Use Committee

FROM: Budget Analyst

SUBJECT: June 9, 2003 Land Use Committee Meeting

Item 8 – File 02-1726

Note: This item was continued by the Land Use Committee at its meeting of May 19, 2003.

Department: Department of Public Works (DPW)

Item: Ordinance adding Sections 726 of the Public Works Code to regulate placement of mobile storage containers on the public right of way.

Description: The proposed ordinance adds Section 726 to the Public Works Code to regulate the placement of mobile storage containers on the public right to (a) require annual and individual location permits, (b) set fees and other requirements for the annual and individual location permits, (c) establish regulations for the siting of mobile storage containers, and (d) require an annual permit deposit in the amount of $30,000.

According to Mr. John Malamut of the City Attorney's Office, currently the City does not have a program that specifically regulates mobile storage containers which the proposed subject ordinance defines as "a movable container that is temporarily placed on the public right-of-way and used by

property owners or tenants for short-term storage of items, including, but not limited to, clothing, equipment, goods, household or office fixtures or furnishings, materials, and merchandise."[1] Mr. Malamut states that currently placing a mobile storage container on the public right-of-way would require either a Minor Encroachment permit (Section 723.2 of the Public Works Code) or a Temporary Occupancy permit (Section 724 of the Public Works Code). Mr. Malamut advises that the proposed ordinance would provide a program that specifically regulates mobile storage containers and would delete the existing requirement that individuals or businesses that place mobile storage containers on the public rights-of-way obtain either a Minor Encroachment permit (Section 723.2 of the Public Works Code) or a Temporary Occupancy permit (Section 724 of the Public Works Code).

The proposed ordinance would require that any individual or company that operates a mobile storage container business and plans to locate a mobile storage container on the public right-of-way in San Francisco apply for and obtain an annual permit from DPW at an annual cost of $500. The Director of the DPW would have the discretion to approve, conditionally approve or deny annual permits for mobile storage containers. The applicant could appeal such decisions made by the Director of DPW to the Board of Appeals.

The proposed ordinance would also require that, in addition to the Annual Permit described above, an Individual Location Permit be obtained by any individual or company that operates a mobile storage container business from the DPW for each siting of a mobile storage container placed on the public right-of-way. In accordance with the proposed ordinance, only Annual Permit holders could apply for Individual Location Permits. The Director of the DPW would have the discretion to approve, conditionally approve or deny Individual Locations Permits for mobile storage containers and the applicant could appeal such decisions made by the Director of DPW to the Board of Appeals. The Individual Location Permit fee would be $100 for the first two days regardless of (1) the number of containers placed in the public right-of-way, (2) the size of the public right-of-way

[1] Mr. Malamut notes that a mobile storage container is not a debris box or a dumpster that is provided for the removal of construction materials and other trash collection purposes.

occupied, and (3) if the occupancy is for one or two days. On the third day, the Individual Location Permit fee would be $50 per Mobile Storage Container per day. As previously stated, the Individual Location Permit fees would be in addition to the $500 fee required for the Annual Permit.

The proposed ordinance would also require that a $30,000 deposit be made for the purpose of paying for any damages to the public rights-of-way caused by the placement of mobile storage containers. Each applicant for an Annual Permit will be required to make such $30,000 deposits in the form of a bond, cash deposit, or other security acceptable to the DPW. The permittee may expend up to $5,000 of the $30,000 deposit to pay the DPW for Individual Location Permit fees, such that a minimum $25,000 deposit must be maintained with the with the DPW. If a permittee damages the City's rights-of-way and the deposit is used by the DPW to repair such damage, the permittee would be required to pay the DPW the additional amount necessary to maintain a minimum deposit of $25,000. The proposed ordinance requires that the DPW refund the balance of the monies on deposit should the permittee choose to terminate or not renew the Annual Permit. The proposed ordinance would also require Annual Permit holders to maintain insurance for not less than $1,000,000 each for (1) workers' compensation, (2) commercial general liability, and (3) automobile liability.

The proposed ordinance would also establish various regulations for the siting of Mobile Storage Containers, such as that Mobile Storage Containers (1) could not occupy more than a parking space lane width and not more than one-half of the sidewalk, (2) could front only the property using the Mobile Storage Container(s), (3) could not be placed at a slope greater than 17 percent, (4) must be clean and free of graffiti at all times, and (5) could not be transported in residentially zoned areas between the hours of 7 p.m. and 6 a.m. The proposed ordinance would allow the Director of the DPW to grant exceptions for all of these regulations.

Comments:

1. Ms. Tina Olson of the DPW estimates that the proposed permit fees would recover 100 percent of DPW's administrative costs pertaining to the issuance of the subject permits.

2. Ms. Olson has provided the basis of her estimates in the attached memorandum to this report. The Budget Analyst has reviewed Ms. Olson's estimates and finds such estimates to be reasonable.

3. As reported in the Attachment provided by Ms. Olson, the Annual Permit fees will generate an estimated $1,499 annually. In addition, Ms. Olson estimates the Individual Location permits will generate an estimated $50,150 annually. Ms. Olson further reports that such revenues, totaling $51,649 annually, should result in a full recovery of the related DPW administrative costs. In addition, Ms. Olson advises that existing fine provisions in Section 724.5 of the Public Works Code would allow fines of $100 to be charged to individuals and businesses that place mobile storage containers on public rights-of-way without obtaining the necessary permits that the proposed ordinance would require. Ms. Olson estimates that such fines would generate additional revenues of approximately $5,000 annually.

Recommendation: Approval of the proposed ordinance is a policy matter for the Board of Supervisors.

Attachment

City and County of San Francisco

Phone: (415) 554-6920
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TDD: (415) 554-6900
http://www.sfdpw.com

Willie Lewis Brown, Jr., Mayor
Edwin M. Lee, Director

Department of Public Works
Finance and Budget Division
City Hall, Room 340
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4645
Tina Olson, Division Manager

MEMORANDUM

Date: April 30, 2003

To: Harvey Rose, Budget Analyst

From: Tina Olson, DPW

Subject: Mobile Storage Container Legislation

As requested, the following is a summary of DPW's estimated costs to implement the proposed Mobile Storage Container legislation that are contained in Attachments I and II:

Annual Permits: We estimate it will take 6.5 hours of DPW staff time to issue annual permits to mobile container companies for a total cost of $499.54 per annual permit including DPW's overhead and the City's COWCAP rates. Most of the estimated time would be spent reviewing and verifying the insurance requirements contained in the proposed legislation. We know of the following three mobile container companies: Shurguard Storage and Go Inc, Public Storage, and Door to Door. Thus, we estimate that the annual permit will generate approximately $1,499 annually.

Site Permits: We estimate it will require a total of 1.1 hours of DPW to issue and inspect mobile container site permits at a total cost of $78.05 per site permit. We estimate that there will be 500 site permits annually. In addition, we estimate that it will take an average of 1.5 hours of staff time to investigate mobile storage container complaints and that there will be approximately 110 complaints annually for a total cost of $10,784 to investigate complaints. Finally, the City Attorney estimates to spend two hours annually responding to legal issues around the mobile storage ordinance for a total cost $340 annually. Thus, the total cost to the City to administer, inspect and enforce the proposed mobile storage container legislation is $50,150. Thus, the estimated site permit fee should be approximately $100 since we estimate 500 total annual site permits (500 site permits/$50,150 = $100 (rounded).

Other Revenues: Existing Public Works Code includes a $100 fine for non-compliance. We estimate to issue approximately 50 fines annually. Thus, we estimate the proposed $100 fine will generate approximately $5,000 annually ($100 x 50 = $5,000).

Mobile Container Storage Legislation
DPW's Cost to Administer Annual Permits
FY 2002-03

Annual Permit Administration	Position	Avg Hrs per Permit	Hrly Rate	MFB & PTO	Overhead	COWCAP	Total Labor Costs
Process Permit Application	5366 Engineering Assoc II	6.5	$33.66	$15.26	$19.56	$6.41	$486.84
Admin/Clerical for data entry	1426 Sr. Clerk Typist	0.25	22.83	10.35	13.27	4.35	12.70
	Total	6.75					$499.54
							1498.629281

The cost to DPW of issuing one Annual Permit would be approximately $499.54 based on labor costs, including overhead, for 6.5 hours for a 5366 Engineering Associate to review the application including ensuring the company has met all of the insurance requirements outlined in the proposed legislation, and .25 hours for a 1426 Senior Clerk Typist to process the application. We anticipates that the $500 proposed Annual Permit Fee would cover 100 percent of the cost forus to provide the Annual Permit.

Source: DPW, April 30, 2003

Mobile Container Storage Legislation
DPW's Cost to Administer, Inspect and Enforce Legislation
FY 2002-03

Site Permit Administration/Inspection	Position	Avg Hrs per Permit	Hrly Rate	MFB & PTO	Overhead	COWCAP	Total Labor Costs
Process Permit Application	5366 Engineering Assoc II	0.5	$33.66	$15.26	$19.56	$6.41	$37.45
Inspect Cost Per Permit	6230 Street Inspector	0.5	29.08	13.18	16.90	5.54	32.35
Staff Supervision	6232 Street Inspector Supv	0.1	37.11	16.82	21.57	7.07	8.26
Total Cost Per Permit		1.1					$78.05
Total Estimated Permits Annually							500
Annual Permit Costs							$39,027
Complaint Investigation							
Admin/Clerical for data entry and complaint processing	1426 Sr. Clerk Typist	0.25	22.83	10.35	13.27	4.35	12.70
Complaint Investigation	6230 Street Inspector	1.0	29.08	13.18	16.90	5.54	64.69
Staff Supervision	6232 Street Inspector Supv	0.25	37.11	16.82	21.57	7.07	20.64
Total Complaint Investigation		1.5					$98
Estimated Annual Complaints							110
Annual Complaint Costs							$10,784
City Attorney Time	8180 Deputy City Attorney	2	170				$340
Total Permit Costs							$50,150
Cost Per Permit							**$100**
Other Revenues:							
Fines $100 per fine, estimate 50 fines annually							$5,000
Total Revenues							**$55,150**

Source: DPW, April 30, 2003

We estimate that the cost of issuing Individual Location Permits, which would include permit inspection and complaint investigation, would be approximately $98 for each permit. Therefore, we anticipates that the 2-day $100 Individual Location Permit Fee would cover 102 percent of the cost of providing the Individual Location Permit. The Individual Location Permit would cost $100 for the first 2 days and $50 everyday thereafter.Our estimate does not anticipate that Mobile Storage Container permits would exceed two days because over 95 percent of the Individual Location Permits will be for less than two days.

Source: DPW, April 30, 2003

Item 9 - File 03-0729

Department: Department of Public Works (DPW)

Item: Resolution adopting a City policy regarding the use of the former Embarcadero Freeway right-of-way parcel known as Broadway Parcel I, on Broadway between Sansome and Battery Streets, Assessor Block 165, Lot 21, and the application of proceeds generated from its sale or other transfer.

Description: Under Senate Bill 181, adopted by the California Legislature in 1991 and codified as Streets and Highways Code Section 72, the California Department of Transportation (CalTrans) conveyed parcels of land, which were formerly the right-of-way to the Embarcadero Freeway, to the City and County of San Francisco in exchange for the City agreeing to construct a system of streets and ramps to provide motorists with accessibility comparable to that provided by the former freeway. In January of 1999, the Board of Supervisors adopted a resolution (File 98-2098), which approved in principle the San Francisco Police Department's purchase or lease of Broadway Parcel I, which was formerly part of the right-of-way to the Embarcadero Freeway, for the construction of a police station to replace the current North Beach police station. That previously approved resolution stated that proceeds from the potential sale of Broadway Parcel I to the Police Department would be used to "provide the City with significant resources for the improvement of local street access comparable to that provided by the former Embarcadero Freeway". Broadway Parcel I has remained under the jurisdiction of the Department of Public Works (DPW) subject to the sale of the parcel to the Police Department.

Under the proposed resolution, the Board of Supervisors would continue to designate Broadway Parcel I for the Police Department to acquire jurisdiction from DPW to construct a police station on or before June 30, 2005. After June 30, 2005, if the Police Department has not acquired Broadway Parcel I from DPW for the construction of the police station, DPW would be authorized to sell Broadway Parcel I on the open market,

subject to Board of Supervisors approval, or sell, lease, or otherwise transfer the parcel through a Request for Proposal (RFP) process, with prior Board of Supervisors approval.

Comments:

1. SB 181 required the City to construct a roadway to replace the Embarcadero Freeway. In exchange, Caltrans agreed to transfer the right-of-way parcels to the City under the condition that the City use the right-of-way parcels or proceeds from the right-of-way parcels to complete the roadway construction. In accordance with SB 181, the City constructed the Mid-Embarcadero Roadway, which is now complete. According to Ms. Tina Olson of DPW, the total cost of the Mid-Embarcadero Roadway construction was $75,571,883, of which $62,946,962 was paid by various grants. Ms. Olson states that DPW received $12,624,921 from the San Francisco Transportation Authority ($75,571,883 less $62,946,962) to purchase land for the Mid-Embarcadero Roadway and to pay a portion of the Mid-Embarcadero Roadway construction costs, of which DPW intended to repay $5,600,000. According to Ms. Olson, DPW has included $2,600,000 in the FY 2003-2004 budget to partially repay the $5,600,000 loan made by the San Francisco Transportation Authority. Ms. Olson advises that DPW will receive $2,600,000 to partially repay the loan from (a) $1,000,000 in proceeds from the sale of San Francisco Redevelopment Agency land to the Gap, Inc.[1], (b) $1,100,000 in proceeds from the sale of the City's property, located on the west side of Spear Street, between Howard and Folsom Streets, to the San Francisco Redevelopment Agency, and previously approved by the Board of Supervisors (File 03-0730), and (c) $500,000 from the pending Ground Lease and companion Lease Disposition and Development Agreement between the Mayor's Office of Housing and the Chinatown Community Development Corporation for Assessor's Block 141, Lot 11, on Broadway between

[1] In March of 1997, the Board of Supervisors approved the sale of the 35,773 square foot parcel of land, formerly occupied by the Embarcadero Freeway between Steuart and Spear Streets, to the Gap for $4,000,000 (File 96-97-1). According to the Ms. Olson, the $4,000,000 sales proceeds were allocated to fund the Mid-Embarcadero Roadway Replacement Project, of which $1,000,000 would be used to repay the subject SFRA loan.

Battery and Front Streets for affordable housing development.[2]

2. Ms. Olson advises that DPW will pay the loan balance of $3,000,000 ($5,600,000 less $2,600,000) with proceeds from the sale of the subject Broadway Parcel I when the subject parcel is sold to the Police Department, or if the Police Department does not purchase the subject parcel prior to June 30, 2005, to the purchaser of the parcel after that date. Ms. Olson advises that the Division of Real Estate has estimated that the fair market value of the subject parcel is approximately $3,500,000, although the Division of Real Estate has not yet conducted a formal appraisal.

3. As noted in the attached memorandum, provided by the Police Department, the Police Department is actively planning the design and construction of the new proposed Central Police Station on Broadway Parcel I.

Recommendation: Approval of the proposed resolution is a policy matter for the Board of Supervisors.

[2] According to Ms. Teresa Yanga of the Mayor's Office of Housing (MOH), MOH anticipates that the proposed Ground Lease/Lease Disposition and Development Agreement and the jurisdictional transfer of the subject property from DPW to MOH will be submitted for approval to the Board of Supervisors in July of 2003.

POLICE DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO
THOMAS J. CAHILL HALL OF JUSTICE
850 BRYANT STREET
SAN FRANCISCO, CALIFORNIA 94103-4603

PRENTICE E. SANDERS
CHIEF OF POLICE

May 13, 2003

Mr. Harvey Rose
Board of Supervisors
Budget Analyst
1390 Market Street, Suite 1025
San Francisco, CA 94102

Re: The new Central Police Station on Broadway Parcel I

Dear Mr. Rose:

The San Francisco Police Department is actively planning the design and construction of the new Central Police Station on Broadway Parcel #1, which is located at Sansome and Broadway Street. The Department has initial sketches and design work for the parcel and has included the project as part of its Capital Improvement budget for fiscal year 03-04. We are currently waiting for funding to move this project to the next phase.

If you have additional questions or concerns, I ask that you contact me at 553-1101.

Very truly yours,

Lieutenant Albert Pardini
Commanding Officer
Planning Division

Item 10 - File 03-0304

Department: Municipal Transportation Agency (Muni)

Item: Resolution authorizing the San Francisco Municipal Transportation Agency to proceed with Tranche 2 of the Breda light rail vehicle leveraged lease-leaseback transaction without an obligation to pay broken-deal costs.

Description: The proposed resolution authorizes Muni to proceed with a leveraged lease-leaseback transaction of 21 of its Breda light rail vehicles (LRVs). This subject resolution does not approve the legal agreements for the proposed leveraged lease-leaseback transaction. Ms. Gail Stein, of Muni, advises that Muni will return to the Board of Supervisors for approval of the legal agreements pertaining to the proposed transaction prior to the projected closing of the transaction, estimated to be by the end of August, 2003. The purpose of the proposed transaction is to leverage an asset that Muni already owns to generate one-time revenue of approximately $4.0 million. The subject 21 Breda LRVs are currently in service on Muni Lines J, K, L, M, and N. Muni previously entered into a leveraged lease-leaseback transaction involving 118 Breda vehicles (Tranche 1) in April of 2002, which was approved by the Board of Supervisors on April 15, 2002 (File 02-0410). Tranche 1 resulted in total one-time revenues to Muni of $35,506,484. Muni has a pending supplemental appropriation request in the amount $35,506,484 for one-time capital projects to be funded by the one-time revenues of $35,506,484 from the Tranche 1 lease-leaseback transaction (File 03-0244). A Tranche is one transaction in a series of transactions.

Under the proposed subject Tranche 2 lease-leaseback transaction, Muni would transfer the "tax ownership" of up to an additional 21 of its Breda LRVs to a group of private investors consisting of Canadian Imperial Bank of Commerce (CIBC), and other private investors chosen by CIBC, which is the lead equity investor. Ms. Stein, of Muni, states that CIBC was selected as the lead equity investor in June 2001 and therefore has discretion to select the other private investors. For purposes of the

proposed transaction, this group of private investors is collectively known as the Equity Investors consisting of CIBC and Wells Fargo Bank Minnesota. Such a transfer of tax ownership would allow the private investors to depreciate the LRVs and deduct transaction-related expenses on their Federal income tax returns of the private investors and thereby defer payment of Federal income taxes. The Trust would pre-pay Muni a lump sum representing the present value of the lease payments over the life of the lease, under the Head Lease agreement (with Muni as Lessor and the Trust as Lessee) in exchange for this benefit related to Federal Income taxes. The lump-sum payment would total approximately $72,555,000, of which, an estimated $58,919,013 would go to a debt escrow account and an estimated $9,635,987 would go to an equity escrow account, resulting in net benefit to Muni of an estimated $4.0 million ($72,555,000 less $58,919,013, less $9,635,987). The Trust would, in turn, sublease the vehicles back to Muni.

The proposed resolution provides that Muni would proceed with Tranche 2 of the leveraged lease-leaseback transaction without any requirement that Muni pay broken-deal costs to any parties to the transaction, in the event that the transaction is not approved by the Mayor and the Board of Supervisors or that the transaction does not close for any other reason. Broken deal costs under Tranche 1 would have consisted primarily of legal costs incurred by outside law firms, City departments, and other parties to the transaction, including Muni, during the preparation for the transaction. Tranche 1 of the leveraged lease-leaseback transaction included an estimated $1,670,000 in broken deal costs if the lease-leaseback transaction had not been approved by the Mayor and the Board of Supervisors. However, Muni did not actually incur any broken deal costs under Tranche 1 because the transaction was approved by the Mayor and the Board of Supervisors. According to Ms. Stein, Tranche 2 would include provisions that each party or advisor to Tranche 2 is required to pay its own broken-deal costs in the event that the lease-leaseback transaction under Tranche 2 is not approved by the Mayor and the Board of Supervisors or that the transaction does not close for any other reason. Ms. Stein

states that Muni's outside special lease and public finance counsel, Orrick, Herrington & Sutcliffe, has agreed to assume any broken-deal costs for any costs incurred in preparation for the transaction if the transaction is not approved by the Mayor and the Board of Supervisors or does not close for any other reason. In exchange for agreeing to pay the broken-deal costs in the event the transaction is not approved by the Mayor and the Board of Supervisors or does not close for any other reason, Orrick, Herrington & Sutcliffe would charge a higher fee for its services in the event that the transaction is approved by the Mayor and the Board of Supervisors and does close. According to Ms. Stein, Orrick, Herrington & Sutcliffe would charge a maximum fee of $300,000 if the firm must assume the risk for its own broken-deal costs. If Muni were to assume the risk for paying broken deal costs, Orrick, Herrington & Sutcliffe would charge a maximum fee of $200,000 for its services. Such fee amounts would be included in transaction expenses for the key legal agreements for the proposed transaction, which would be subject to Board of Supervisors approval. As stated previously, Muni will return to the Board of Supervisors for approval of the legal agreements pertaining to the proposed transaction prior to the projected closing of the transaction.

Comments:

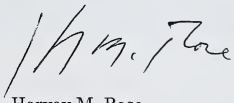
1. Ms. Stein advises that the proposed transaction is highly sensitive to changes in interest rates for U.S. Treasury securities or U.S. Agency securities, which are the types of securities in which the lump sum payment would be invested. Ms. Stein further advises that the actual one-time revenue payable to Muni at an estimated amount of $4.0 million will depend upon interest rates when the transaction is finalized. Ms. Stein advises that Muni anticipates that this will occur by the end of July of 2003, if this subject resolution and the future resolution, which would approve the legal agreements, are approved by the Board of Supervisors. Ms. Stein explains that the estimated one-time revenue to Muni of $4.0 million assumes an interest rate of 5.36 percent for the equity portion of the lump-sum payment that is placed in escrow.

2. Ms. Stein advises that CIBC (Equity Investors) was selected through a competitive bid process conducted prior

to Tranche 1. She advises that the firm offering the highest economic return to Muni was selected as the Equity Investors. Ms. Stein advises that bids were submitted based on the percentage of vehicle market value that the Equity Investors would pay Muni.

3. Ms. Stein advises that the MTA Board of Directors approved the proposed transaction on February 18, 2003. Ms. Stein reports that the Federal Transit Administration (FTA) approved the Tranche 2 of the proposed transaction in January of 2002 when it also approved Tranche 1. Ms. Stein advises that FTA approval is required because the LRVs involved in the transaction were funded through a combination of FTA grants, State rail bond funds, and Proposition B capital grant funds.

Recommendation: Approval of the proposed resolution is a policy matter for the Board of Supervisors.



Harvey M. Rose

cc: Supervisor McGoldrick
Supervisor Maxwell
Supervisor Ammiano
Clerk of the Board
Controller
Ben Rosenfield
Ted Lakey

[Budget Analyst Report]
Susan Hom
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CITY AND COUNTY OF SAN

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

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July 16, 2003

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TO: Land Use Committee

FROM: Budget Analyst

SUBJECT: July 21, 2003 Land Use Committee Meeting

Item 1 - File 03-0304

Note: File 03-0304 was continued by the Land Use Committee at its meeting of June 9, 2003.

Department: Municipal Transportation Agency (Muni)

Item: Resolution authorizing the San Francisco Municipal Transportation Agency to proceed with Tranche 2 of the Breda light rail vehicle leveraged lease-leaseback transaction without an obligation to pay broken-deal costs.

Description: The proposed resolution authorizes Muni to proceed with a leveraged lease-leaseback transaction of 21 of its Breda light rail vehicles (LRVs). This subject resolution does not approve the legal agreements for the proposed leveraged lease-leaseback transaction. Ms. Gail Stein, of Muni, advises that Muni will return to the Board of Supervisors for approval of the legal agreements pertaining to the proposed transaction prior to the projected closing of the transaction, estimated to be by the end of December, 2003. The purpose of the proposed transaction is to leverage an asset that Muni already owns to generate one-time revenue of approximately $4.0 million. Nineteen of the subject 21 Breda LRVs are currently in service on Muni Lines J, K, L, M, and N. The other two Breda LRVs have not yet been accepted into service by Muni. Ms. Stein states that Muni will not complete the proposed

leveraged lease-leaseback transaction until the additional two Breda LRVs have been fully accepted into service by Muni. Muni previously entered into a leveraged lease-leaseback transaction involving 118 Breda vehicles (Tranche 1) in April of 2002, which was approved by the Board of Supervisors on April 15, 2002 (File 02-0410). Tranche 1 resulted in total one-time revenues to Muni of $35,506,484. Muni has a pending supplemental appropriation request in the amount $35,506,484 for one-time capital projects to be funded by the one-time revenues of $35,506,484 from the Tranche 1 lease-leaseback transaction (File 03-0244). A Tranche is one transaction in a series of transactions.

Under the proposed subject Tranche 2 lease-leaseback transaction, Muni would transfer the "tax ownership" of up to an additional 21 of its Breda LRVs to a group of private investors consisting of Canadian Imperial Bank of Commerce (CIBC), and other private investors chosen by CIBC, which is the lead equity investor. Ms. Stein, of Muni, states that CIBC was selected as the lead equity investor in June 2001 and therefore has discretion to select the other private investors. For purposes of the proposed transaction, this group of private investors is collectively known as the Equity Investors consisting of CIBC and Wells Fargo Bank Minnesota. Such a transfer of tax ownership would allow the private investors to depreciate the LRVs and deduct transaction-related expenses on their Federal income tax returns of the private investors and thereby defer payment of Federal income taxes. The Trust would pre-pay Muni a lump sum representing the present value of the lease payments over the life of the lease, under the Head Lease agreement (with Muni as Lessor and the Trust as Lessee) in exchange for this benefit related to Federal Income taxes. Muni previously estimated that the lump-sum payment would total approximately $72,555,000, of which, an estimated $58,919,013 would go to a debt escrow account and an estimated $9,635,987 would go to an equity escrow account, resulting in net benefit to Muni of an estimated $4.0 million ($72,555,000 less $58,919,013, less $9,635,987). The Trust would, in turn, sublease the vehicles back to Muni. Ms. Stein advises that Muni will update the estimates for escrow account amounts and net

benefit to Muni for the Land Use Committee meeting of July 21, 2003.

The proposed resolution provides that Muni would proceed with Tranche 2 of the leveraged lease-leaseback transaction without any requirement that Muni pay broken-deal costs to any parties to the transaction, in the event that the transaction is not approved by the Mayor and the Board of Supervisors or that the transaction does not close for any other reason. Broken deal costs under Tranche 1 would have consisted primarily of legal costs incurred by outside law firms, City departments, and other parties to the transaction, including Muni, during the preparation for the transaction. Tranche 1 of the leveraged lease-leaseback transaction included an estimated $1,670,000 in broken deal costs if the lease-leaseback transaction had not been approved by the Mayor and the Board of Supervisors. However, Muni did not actually incur any broken deal costs under Tranche 1 because the transaction was approved by the Mayor and the Board of Supervisors. According to Ms. Stein, Tranche 2 would include provisions that each party or advisor to Tranche 2 is required to pay its own broken-deal costs in the event that the lease-leaseback transaction under Tranche 2 is not approved by the Mayor and the Board of Supervisors or that the transaction does not close for any other reason. Ms. Stein states that Muni's outside special lease and public finance counsel, Orrick, Herrington & Sutcliffe, has agreed to assume any broken-deal costs for any costs incurred in preparation for the transaction if the transaction is not approved by the Mayor and the Board of Supervisors or does not close for any other reason. In exchange for agreeing to pay the broken-deal costs in the event the transaction is not approved by the Mayor and the Board of Supervisors or does not close for any other reason, Orrick, Herrington & Sutcliffe would charge a higher fee for its services in the event that the transaction is approved by the Mayor and the Board of Supervisors and does close. According to Ms. Stein, Orrick, Herrington & Sutcliffe would charge a maximum fee of $300,000 if the firm must assume the risk for its own broken-deal costs. If Muni were to assume the risk for paying broken deal costs, Orrick, Herrington & Sutcliffe would charge a maximum fee of $200,000 for its services. Such fee

amounts would be included in transaction expenses for the key legal agreements for the proposed transaction, which would be subject to Board of Supervisors approval. As stated previously, Muni will return to the Board of Supervisors for approval of the legal agreements pertaining to the proposed transaction prior to the projected closing of the transaction.

Comments:

1. Ms. Stein advises that the proposed transaction is highly sensitive to changes in interest rates for U.S. Treasury securities or U.S. Agency securities, which are the types of securities in which the lump sum payment would be invested. Ms. Stein further advises that the actual one-time revenue payable to Muni at an estimated amount of $4.0 million will depend upon interest rates when the transaction is finalized. Ms. Stein advises that Muni anticipates that this will occur by the end of December of 2003, if this subject resolution and the future resolution, which would approve the legal agreements, are approved by the Board of Supervisors. Ms. Stein explains that the currently estimated one-time revenue to Muni of $4.0 million assumes an interest rate of 5.36 percent for the equity portion of the lump-sum payment that is placed in escrow.

2. Ms. Stein advises that CIBC (Equity Investors) was selected through a competitive bid process conducted prior to Tranche 1. She advises that the firm offering the highest economic return to Muni was selected as the Equity Investors. Ms. Stein advises that bids were submitted based on the percentage of vehicle market value that the Equity Investors would pay Muni.

3. Ms. Stein advises that the MTA Board of Directors approved the proposed transaction on February 18, 2003. Ms. Stein reports that the Federal Transit Administration (FTA) approved the Tranche 2 of the proposed transaction in January of 2002 when it also approved Tranche 1. Ms. Stein advises that FTA approval is required because the LRVs involved in the transaction were funded through a combination of FTA grants, State rail bond funds, and Proposition B capital grant funds.

Recommendation:

Approval of the proposed resolution is a policy matter for the Board of Supervisors.

Harvey M. Rose

cc: Supervisor McGoldrick
Supervisor Maxwell
Supervisor Ammiano
Clerk of the Board
Controller
Ben Rosenfield
Ted Lakey

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City and County of San Francisco

Meeting Agenda

Land Use Committee

Members: Jake McGoldrick, Sophie Maxwell and Tom Ammiano

Clerk: Gail Johnson

Monday, July 28, 2003 | **1:00 PM** | **City Hall, Room 263**

Regular Meeting

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Note: Each item on the Consent or Regular agenda may include the following documents:

1) Legislation
2) Budget Analyst report
3) Legislative Analyst report
4) Department or Agency cover letter and/or report
5) Public correspondence

These items will be available for review at City Hall, Room 244, Reception Desk.

Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding City representatives, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance.

AGENDA CHANGES

REGULAR AGENDA

1. 031165 [STOP Intersections]

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH
38th Avenue and Irving Street, stopping Irving Street at 38th Avenue, making this an all-way STOP; 22nd Avenue and Ortega Street, stopping Ortega Street at 22nd Avenue, making this an all-way STOP; and 21st Avenue and Irving Street, stopping Irving Street at 21st Avenue, making this an all-way STOP. (Parking and Traffic Department)

(6/2703: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2652; No Public Benefit Recipient.)

6/27/03, RECEIVED AND ASSIGNED to Land Use Committee.

2. 031166 [Traffic Regulations, Various Streets]

Resolution enacting and rescinding traffic regulations on various streets.

LEFT LANE MUST TURN LEFT EXCEPT MUNI - ESTABLISH
19th Avenue, northbound, at Junipero Serra Boulevard.

ONE WAY STREET (NORTHBOUND) - ESTABLISH
Guttenberg Street, between Hanover and Mission Streets.

LEFT LANE MUST TURN LEFT - ESTABLISH
7th Avenue, northbound, at Lawton Street. (Parking and Traffic Department)

(6/27/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2652; No Public Benefit Recipient.)

6/27/03, RECEIVED AND ASSIGNED to Land Use Committee.

3. 031167 [Parking Regulations, Various Locations]

Resolution enacting and rescinding parking regulations at various locations.

TAXI ZONE - ESTABLISH
4th Street, west side, from Minna Street to 150 feet southerly (150-foot Taxi Zone).

TOW-AWAY LANE MUST TURN RIGHT - ESTABLISH
TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
4th Street, southbound, from 150 feet south of Minna Street to Howard Street.

TOUR BUS LOADING ZONE - ESTABLISH
Howard Street, north side, from 120 feet to 445 feet west of 4th Street (325-foot white zone).

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Howard Street, north side, from 4th Street to 120 feet westerly.

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Howard Street, north side, from 445 feet to 570 feet west of 4th Street (125-foot zone).

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Minna Street, south side, from 4th Street to 615 feet westerly.

NO PARKING ANYTIME - REVOKE
Minna Street, south side, from 230 feet west of 4th Street to 385 feet westerly (385-foot zone).

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
Turk Street, south side, from Divisadero Street to 95 feet westerly.

RESIDENTIAL PERMIT PARKING AREA "J" (2-HOUR TIME LIMIT, 7 AM - 9 PM, MONDAY THROUGH SUNDAY) - ESTABLISH
Shrader Street, both sides, between Haight and Page Streets.

TOW-AWAY, NO STOPPING ANYTIME - RESCIND
7th Avenue, east side, from 40 feet to 180 feet north of Lawton Street.

RESIDENTIAL PERMIT PARKING AREA "N" (2-HOUR TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Funston Avenue, west side, between Clement Street and Geary Boulevard (300 block).

2-HOUR PARKING TIME LIMIT, 7 AM TO 6 PM, EXCEPT SUNDAY - RESCIND
RESIDENTIAL PERMIT PARKING AREA "N" (2-HOUR TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
14th Avenue, east side, between Clement Street and Geary Boulevard.

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Cesar Chavez Street south side, from 200 feet to 295 feet east of Kansas Street (in front of 2323 Cesar Chavez Street); and
Cesar Chavez Street, south side, from 402 feet to 638 feet east of Kansas Street (in front of 2323 Cesar Chavez Street).

RESIDENTIAL PERMIT PARKING AREA "R" (2-HOUR TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
Turk Street, north side, between Buchanan and Laguna Streets;
Laguna Street, west side, between Eddy and Turk Streets;
Eddy Street, both sides, between Buchanan and Laguna Streets; and
Larch Way, both sides, between Buchanan and Laguna Streets.
Note: Larch Way is a private drive within the Yerba Buena Plaza East Housing Development that will not be signed, but residents will be eligible for permits.

RESIDENTIAL PERMIT PARKING AREA "Z" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Church Street, both sides, between 26th and Clipper Streets (1300 block).

45-DEGREE ANGLED PARKING - ESTABLISH
2600 Block of Harrison Street, east side, from 23rd Street to a point 187 feet south of 22nd Street (approximately 20 feet south of existing bicycle lane)

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Ritch Street, east side, from 92 feet to 131 feet north of Brannan Street; and
Ritch Street, east side, from 165 feet to 196 feet north of Brannan Street.

TOW-AWAY, NO STOPPING ANYTIME - RESCIND
TOW-AWAY, NO STOPPING DURING CANDLESTICK PARK EVENTS - ESTABLISH
Jamestown Avenue, south side, between Ingalls and Redondo Streets.

COMPACT VEHICLES ONLY - ESTABLISH
Northern end of 20th Avenue, north of Lake Street, from west curb to 20 feet easterly (two spaces perpendicular to terminus). (Parking and Traffic Department)

(6/27/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2652; No Public Benefit Recipient.)

6/27/03, RECEIVED AND ASSIGNED to Land Use Committee.

4. 031202 [Sublease Amendment with the John Stewart Company related to Treasure Island Housing] Mayor

Resolution approving and authorizing the Executive Director for the Treasure Island Development Authority to enter into an amendment to a sublease with the John Stewart Company to change the premises, to adjust the rent schedule and to adjust the development fee. (Mayor)

(No Public Benefit Recipient.)

7/8/03, RECEIVED AND ASSIGNED to Land Use Committee.

5. 031203 [Sublease Amendment with Community Housing Partnership for Treasure Island Housing] Mayor

Resolution approving and authorizing the Executive Director for the Treasure Island Development Authority to enter into an amendment to a sublease with Community Housing Partnership to amend the premises to include six additional housing units. (Mayor)

(No Public Benefit Recipient.)

7/8/03, RECEIVED AND ASSIGNED to Land Use Committee.

6. 031211 [Changing Official Width of Sidewalk]

Ordinance Amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section No. 1560 to change the official sidewalk width on the west side of Illinois Street between 18th and 19th Streets; making findings pursuant to the General Plan and Planning Code Section 101.1; and addressing relocation, modification, or both of facilities affected by the sidewalk width changes. (Public Works Department)

(No Public Benefit Recipient.)

7/11/03, RECEIVED AND ASSIGNED to Land Use Committee.

ADJOURNMENT

IMPORTANT INFORMATION

NOTE: Persons unable to attend the meeting may submit to the City, by the time the proceedings begin, written comments regarding the agenda items above. These comments will be made a part of the official public record and shall be brought to the attention of the Board of Supervisors. Any written comments should be sent to: Committee Clerk of the Land Use Committee, San Francisco Board of Supervisors, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102 by 5:00 p.m. on the day prior to the hearing. Comments which cannot be delivered to the committee clerk by that time may be taken directly to the hearing at the location above

NOTE:
Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the general plan amendments or planning code and zoning map amendments described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

LEGISLATION UNDER THE 30-DAY RULE

RESIDENTIAL PERMIT PARKING AREA "R" (2-HOUR TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
Turk Street, north side, between Buchanan and Laguna Streets;
Laguna Street, west side, between Eddy and Turk Streets;
Eddy Street, both sides, between Buchanan and Laguna Streets; and
Larch Way, both sides, between Buchanan and Laguna Streets.
Note: Larch Way is a private drive within the Yerba Buena Plaza East Housing Development that will not be signed, but residents will be eligible for permits.

RESIDENTIAL PERMIT PARKING AREA "Z" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Church Street, both sides, between 26th and Clipper Streets (1300 block).

45-DEGREE ANGLED PARKING - ESTABLISH
2600 Block of Harrison Street, east side, from 23rd Street to a point 187 feet south of 22nd Street (approximately 20 feet south of existing bicycle lane)

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Ritch Street, east side, from 92 feet to 131 feet north of Brannan Street; and
Ritch Street, east side, from 165 feet to 196 feet north of Brannan Street.

TOW-AWAY, NO STOPPING ANYTIME - RESCIND
TOW-AWAY, NO STOPPING DURING CANDLESTICK PARK EVENTS - ESTABLISH
Jamestown Avenue, south side, between Ingalls and Redondo Streets.

COMPACT VEHICLES ONLY - ESTABLISH
Northern end of 20th Avenue, north of Lake Street, from west curb to 20 feet easterly (two spaces perpendicular to terminus). (Parking and Traffic Department)

(6/27/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2652; No Public Benefit Recipient.)

6/27/03, RECEIVED AND ASSIGNED to Land Use Committee.

4. 031202 [Sublease Amendment with the John Stewart Company related to Treasure Island Housing] Mayor

Resolution approving and authorizing the Executive Director for the Treasure Island Development Authority to enter into an amendment to a sublease with the John Stewart Company to change the premises, to adjust the rent schedule and to adjust the development fee. (Mayor)

(No Public Benefit Recipient.)

7/8/03, RECEIVED AND ASSIGNED to Land Use Committee.

5. 031203 [Sublease Amendment with Community Housing Partnership for Treasure Island Housing] Mayor

Resolution approving and authorizing the Executive Director for the Treasure Island Development Authority to enter into an amendment to a sublease with Community Housing Partnership to amend the premises to include six additional housing units. (Mayor)

(No Public Benefit Recipient.)

7/8/03, RECEIVED AND ASSIGNED to Land Use Committee.

6. 031211 [Changing Official Width of Sidewalk]

Ordinance Amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section No. 1560 to change the official sidewalk width on the west side of Illinois Street between 18th and 19th Streets; making findings pursuant to the General Plan and Planning Code Section 101.1; and addressing relocation, modification, or both of facilities affected by the sidewalk width changes. (Public Works Department)

(No Public Benefit Recipient.)

7/11/03, RECEIVED AND ASSIGNED to Land Use Committee.

ADJOURNMENT

IMPORTANT INFORMATION

NOTE: Persons unable to attend the meeting may submit to the City, by the time the proceedings begin, written comments regarding the agenda items above. These comments will be made a part of the official public record and shall be brought to the attention of the Board of Supervisors. Any written comments should be sent to: Committee Clerk of the Land Use Committee, San Francisco Board of Supervisors, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102 by 5:00 p.m. on the day prior to the hearing. Comments which cannot be delivered to the committee clerk by that time may be taken directly to the hearing at the location above

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LEGISLATION UNDER THE 30-DAY RULE

(Not to be considered at this meeting)

Rule 5.40 provides that when an ordinance or resolution is introduced which would CREATE OR REVISE MAJOR CITY POLICY, the committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction. The provisions of this rule shall not apply to the routine operations of the departments of the City or when a legal time limit controls the hearing timing. In general, the rule shall not apply to hearings to consider subject matter when no legislation has been presented, nor shall the rule apply to resolutions which simply URGE action to be taken.

031151 **[Creating the Divisadero Street Alcohol Restricted Use District]**

Supervisor Gonzalez

Ordinance adding Section 783 to the Planning Code to create a Divisadero Street Alcohol Restricted Use District prohibiting liquor establishments and regulating existing non-conforming liquor establishments; amending Zoning Map Sheets 2SU and 7SU of the City and County of San Francisco to indicate the boundaries of the Divisadero Street Alcohol Restricted Use District, and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

[No fiscal impact.]

6/24/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 7/24/2003.
6/30/03, REFERRED TO DEPARTMENT. Transmitted to Planning Commission for public hearing and recommendation.
7/1/03, REFERRED TO DEPARTMENT. Referred to Small Business Commission for comment and recommendation.

031152 **[Amending Administrative Code Chapter 31 to Provide Appeals of Certain Environmental Determinations]**

Supervisor Peskin

Ordinance amending Administrative Code Chapter 31 to provide for appeals to the Board of Supervisors of certain determinations under the California Environmental Quality Act, and to provide public notice of certain determinations.

[No fiscal impact.]

6/24/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 7/24/2003.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board has several standing Committees where ordinances and resolutions are the subject of hearings at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience at a Committee meeting to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers, and similar sound-producing electronic devices; 3) signs to be brought into the meeting or displayed in the room; 4) standing in the meeting room.

Citizens are encouraged to testify at Committee meetings and to write letters to the Clerk of a Committee or to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

Agenda are available on the internet at www.sfgov.org/bdsupvrs.bos.htm.

THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT CITY HALL, ROOM 244, RECEPTION DESK.

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 557-4293.

Requests for language translation at a meeting must be received no later than noon the Friday before the meeting. Contact Ohn Myint at (415) 554-7704.

AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

翻譯 *必須在會議前最少四十八小時提出要求*
請電 (415) 554-7701

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[Budget Analyst Report]
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CITY AND COUNTY OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

July 24, 2003

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TO: Land Use Committee

FROM: Budget Analyst

SUBJECT: July 28, 2003 Land Use Committee Meeting

Items 4 and 5 - Files 03-1202 and 1203

Department: Treasure Island Development Authority (Authority)

Items: Item 4, File 03-1202: Resolution approving and authorizing the Executive Director for the Treasure Island Development Authority to enter into an amendment to a sublease with the John Stewart Company to (1) change the premises included under the sublease, (2) adjust the rent schedule and (3) adjust the development fee.

Item 5, File 03-1203: Resolution approving and authorizing the Executive Director for the Treasure Island Development Authority to enter into an amendment to a sublease with Community Housing Partnership to amend the premises to include six additional housing units.

Description: In 1997, the California Legislature approved the Treasure Island Conversion Act of 1997, which designated the Treasure Island Development Authority (Authority) as a trustee of the State Tidelands Trust and as a redevelopment agency

with jurisdiction over Treasure Island and Yerba Buena Island. In March of 1999, the Board of Supervisors authorized the Treasure Island Development Authority to enter into a series of agreements and leases to convert approximately 1,000 former U.S. Navy housing units on Treasure Island and Yerba Buena Island into civilian housing (Files 99-0125 and 99-0130). These agreements and leases included (1) a seven-year sublease with the John Stewart Company, a private corporation, to develop, rehabilitate, market and manage up to 766 units of the housing at market rates and (2) a agreement with the Treasure Island Homeless Development Initiative (TIHDI), a consortium of community-based nonprofit organizations, to manage 218 to 222 housing units for homeless and economically disadvantaged persons. The remaining 12 of the 996 housing units are under the jurisdiction of the Authority and currently unoccupied due to environmental remediation by the Navy. Attachment I, provided by Mr. Stephen Proud of the Treasure Island Development Authority, identifies the jurisdiction and sublease arrangements for 997 units of housing on Treasure Island and Yerba Buena Island.

TIHDI was established under Federal base closure laws in 1994 to develop opportunities for homeless assistance through the use of certain facilities at the former Naval Station Treasure Island and is currently administered by a consortium of 25 community-based nonprofit organizations, which are listed in Attachment II, of which six of those nonprofit organizations currently provide housing on Treasure Island. These six nonprofit housing organizations are: (1) Catholic Charities, (2) Community Housing Partnership, (3) Haight-Ashbury Free Clinics, Inc., (4) Rubicon Programs, Inc., (5) Swords to Plowshares and (6) (4) Walden House.

In August of 2000, the Board of Supervisors approved a 15-year sublease with Community Housing Partnership, a nonprofit organization,

which is part of TIHDI, for housing on Treasure Island for the homeless (File 00-1359). Under the original sublease, Community Housing Partnership was to provide 32 units of housing for homeless persons as well as on-site support services including counseling, vocational and employment development (See Comment No. 2).

The proposed resolution (File 03-1202) would amend the existing sublease between the Authority and the John Stewart Company to (1) transfer six housing units located in Building 1230 on Treasure Island from the John Stewart Company to the Community Housing Partnership sublease (see Comment No. 2) (2) add the large single family house, commonly referred to as the "Captain's House" (Building 62), located on Yerba Buena Island on Macalla Road (see Comment No. 3), (3) reduce the monthly schedule of rents as shown in Attachment III, provided by Mr. Proud, (see Comment No. 4), and (4) authorize the development fee payment by the Authority to the John Stewart Company in an amount not to exceed $42,568 (see Comment No. 5).

The proposed resolution (File 03-1203) would amend the existing sublease between the Authority and the Community Housing Partnership to transfer six existing housing units located in Building 1230 on Treasure Island that are currently under the John Stewart Company's sublease (File 03-1202).

Comments:

1. Due to ongoing Navy environmental remediation work on Treasure Island and Yerba Buena Island, the delivery of a significant number of residential housing units original included in the sublease with the John Stewart Company and the Community Housing Partnership, have been delayed. According to Mr. Proud, to date, the John Stewart Company has completed the rehabilitation of 638 housing units which are currently available for lease, of the up to 766 units of housing originally allocated to the John Stewart Company under the existing sublease. According to Mr.

Proud, the remaining 128 housing units (766 housing units less 638 housing units) are not available for lease by the John Stewart Company because of the ongoing environmental remediation activities by the Navy. In the FY 2002-2003 budget, the Authority included $8,400,000 of rental revenues to be received from the John Stewart Company from these 638 units of market rate housing.

2. Under the original negotiations between the Authority and the Community Housing Partnership, there were to be 32 units of housing provided for homeless persons under the sublease between the Community Housing Partnership and the Authority. However, according to both Mr. Proud and Ms. Natalie Bonnewit of Community Housing Partnership, the U.S. Navy only transferred 18 units of housing (instead of 32 housing units), due to the Navy's ongoing environmental remediation activities that affected the remaining 14 housing units. Therefore, the current sublease between the Community Housing Partnership and the Authority is for only those 18 units of housing that were transferred.

The proposed resolutions (Files 03-1202 and 03-1203) would amend the subleases with both the John Stewart Company and the Community Housing Partnership to transfer an additional six units of housing located in Building 1230 from the John Stewart Company to the Community Housing Partnership, and therefore increase the Community Housing Partnership's existing 18 units of housing to 24 units of housing. Ms. Bonnewit advises that the Community Housing Partnership cannot meet their financial obligations to operate these housing units, the related homeless support services programs and repay existing loans with only 18 units of housing. According to projections of financial data for the existing 18 units of housing and the proposed 24 units of housing provided by Ms. Bonnewit, Community Housing Partnership can financially provide the required services and meet their debt obligations.

Under the existing sublease, Community Housing Partnership currently pays the Authority $874 per month for Common Area Maintenance (CAM) Charges. The proposed sublease amendment does not adjust these CAM Charges although, these Charges are intended to be based on the amount of interior and exterior square footage provided under the sublease. According to Mr. Proud, the CAM Charges under the proposed sublease should be increased by $220.56 per month, or 25.2 percent over the existing $874 per month charges, for a total of $1,094.56 per month. Therefore, the Budget Analyst recommends that the proposed sublease be amended (File 03-1203) to provide that the Community Housing Partnership pay these higher CAM Charges based on the increase of six additional housing units.

In accordance with the proposed resolution (File 03-1202), in exchange for the six units in Building 1230 on Treasure Island, which would be transferred from the John Stewart Company to the Community Housing Partnership under the proposed sublease amendments, the John Stewart Company has the right to request Building 1107, which is also comprised of six units on Treasure Island. According to Mr. Proud, Building 1107 is currently part of the Community Housing Partnership's remaining 14 housing units that are currently undergoing environmental remediation that are not currently available for lease.

As stated in the proposed resolutions, it is in the respective and mutual interests of the Authority, the John Stewart Company and the Community Housing Partnership to (1) transfer the six units of housing in Building 1230 from the John Stewart Company sublease to the Community Housing Partnership sublease and to (2) provide for the future right to request to transfer six units of housing in Building 1107 from the Community Housing Partnership to the John Stewart Company because (a) there is an existing vacancy rate of approximately 8.5 percent (or 54 vacant units of the

638 units available for lease) in the market rate housing units on Treasure Island, such that none of the units in Building 1230 are currently occupied, (b) there is an unmet demand for housing for homeless persons on Treasure Island, such that the Community Housing Partnership could immediately fill these six units of housing, and (c) there would be little financial impact on the Authority from this change because these units are currently vacant.

3. The proposed resolution (File 03-1202) would also add the Captain's House (Building 62), a large single family house on Macalla Road on Yerba Buena Island, with views of Treasure Island and the Bay to the John Stewart Company sublease. According to Mr. Proud, this single family home was previously used for special events such as weddings and other parties, but is currently unoccupied, suffers from water damage and continued deterioration and the Authority does not have the financial resources to properly maintain or rehabilitate this house. Mr. Proud advises that under the proposed sublease amendment, the John Stewart Company would fully renovate this unit and then lease and continue to maintain this house. Mr. Proud advises that he cannot estimate the amount of additional revenue that would be received from the proposed addition of this single family housing unit because it will depend on the amount of market rate rent that the John Stewart Company is able to charge when the unit is fully renovated. However, Mr. Proud notes that the Authority receives 94 percent of the net rental income revenues from the John Stewart Company, after amortization of the capital improvements, operating expenses and management fees.

4. Monthly market rate rents for each of the 766 housing units which are included under the sublease with the John Stewart Company were established in the original sublease agreement between the Authority and the John Stewart Company. This sublease agreement also provided that further rent increases or reductions of up to

ten percent could be approved by the Executive Director of the Authority. However, rent increases or reductions of greater than ten percent are required to be approved by the Authority's Board.

Since the approval of the sublease between the Authority and the John Stewart Company in 1999, the John Stewart Company has requested two rent increases, (1) a five percent increase in late 1999, and (2) a 4.9 percent increase in 2000. In June of 2000, the Authority approved an additional increase of approximately ten percent. According to Ms. AnnMarie Conroy of the Treasure Island Development Authority, all of these rent increases only applied to vacant units and units that subsequently became vacant after the residents moved out and the rent increases do not apply to those units already occupied, which are subject to the City's rent control ordinances

According to Mr. Proud, in order to remain competitive in the residential rental market, the John Stewart Company is proposing to lower the rents on 163 housing units by greater than ten percent, with such reductions ranging from 0 percent to 30.7 percent, as shown in Attachment III. Mr. Proud advises that there is not anticipated to be any overall reduction in revenues to the Authority from this reduction in rent by the John Stewart Company because it is anticipated that reducing these rents will decrease the current 8.5 percent vacancy rate in these market rate housing units. As a result, Mr. Proud advises that the Authority has budgeted $8,400,000 of rental income for FY 2003-2004, the same amount budgeted in FY 2002-2003, which assumes the proposed reduction in rental rates.

5. As shown in Attachment IV, under the terms of the sublease agreement between the John Stewart Company and the Authority, based on managing 766 units of housing, the John Stewart Company was entitled to a one-time $1,018,014 developer fee to be paid from the lease proceeds, or an average of $1,329 per housing unit. According to Mr. Proud,

this one-time developer fee was to be paid by the Authority from the lease proceeds for the housing program, upon completion of the rehabilitation and/or renovations that was required. However, as shown in Attachment IV, because 126 housing units were not available due to environmental remediation activities (12 units in Building 240 on Yerba Buena Island and 114 units on Treasure Island), the John Stewart Company has only been able to lease 638 units. Under the proposed amendments to the sublease between the Authority and the John Stewart Company (File 03-1202), the Authority would provide a credit to the John Stewart Company for 34 of the remaining 126 housing units because the John Stewart Company has initiated extensive renovation and rehabilitation of these 34 housing units. According to Mr. Proud, after the Navy indicated that these 34 housing units would receive a Finding of Suitability to Lease (FOSL), the Navy subsequently notified the Authority and the John Stewart Company that the FOSL would not be issued, and such units are therefore not currently available for lease by the John Stewart Company. However, Ms. Conroy advises that the John Stewart Company has initiated renovations to these 34 units as well as other environmentally remediated housing units. Therefore, the Authority has determined that the John Stewart Company is entitled to collect a development fee of $42,568 based on a value of $1,252 per unit for these 34 housing units.

Recommendations:

1. As discussed in Comment No. 2 above, based on data provided by the Treasure Island Development Authority, amend the proposed resolution (File 03-1203) to provide that the Community Housing Partnership should pay the increased CAM Charges of $220.56 per month for a total CAM Charge of $1,094.56 per month, commensurate with the increased number of housing units. Approval of the proposed resolution (File 03-1203), as amended, is a policy matter for the Board of Supervisors.

2. Approval of the proposed resolution (File 03-1202) is a policy matter for the Board of Supervisors.

Harvey M. Rose

cc: Supervisor McGoldrick
Supervisor Maxwell
Supervisor Ammiano
Clerk of the Board
Controller
Ben Rosenfield
Ted Lakey

Attachment I

Residential Unit Inventory Breakdown For Treasure Island/Yerba Buena Island

Sublease	Total Units Allocated	Units Affected By Enviromental Remediation	Units Available for Occupancy	Units Affected by Sublease Amendment	Revised Total Unit Count
John Stewart Company (Market Rate Program)	766	128	638	7 *	761
Catholic Charities	66	0	66	0	66
Community Housing Partnership	32	14	18	12 **	32
Haight Ashbury Free Clinic	18	0	18	0	18
Walden House	26	6	20	0	26
Swords to Plowshares	24	0	24	0	24
Rubicon Programs	52	8	44	0	52
Units Retained by TIDA	12	12	0	6 ***	18
Totals	996	168	828		997

* Building 1230 Removed From Premises (6 Units) and Building 62 Added to Premises

** Adds Building 1230 to Premises, Deletes Building 1107 from Premises

***Adds Building 1107 to TIDA Inventory

T I H D I

Treasure Island Homeless Development Initiative

TIHDI Member Agencies

Catholic Charities
Coalition on Homelessness, San Francisco
Community Housing Partnership
Economic Opportunity Council
Goodwill Industries
Haight-Ashbury Free Clinics, Inc.
HomeBase
Mercy Charities Housing, California
Rubicon Programs, Inc.
San Francisco Community Recyclers
Swords to Plowshares
Toolworks
Walden House

TIHDI Introductory Member Agencies

African Immigrant Refugee Resource Center
Arriba Juntos
Asian Neighborhood Development
Central City Hospitality House
Chinese for Affirmative Action
Columbia Park Boys & Girls Club
Episcopal Community Services
Glide Memorial United Methodist Church
Northern California Service League
TALKLINE Family Support Center
Visitation Valley Family Support Center
Young Community Developers, Inc.

410 Palm Ave., Bldg. 1, Rm. 166
Treasure Island, San Francisco, CA 94130
Tel: (415) 274-0311

Proposed Rent Schedule, July 2003
JSCo Treasure Island and Yerba Buena Island Housing Inventory

Location	Current Approved Rent Schedule	Proposed Rent Schedule July 2003	% Change
105-A Forest Road	$1,900.00 - $2,000.00	$2,000.00	0.0%
105-B Forest Road	$1,900.00 - $2,000.00	$1,900.00	0.0%
106-A Forest Road	$1,900.00 - $2,000.00	$1,800.00	-5.3%
106-B Forest Road	$1,900.00 - $2,000.00	$1,865.00	-1.8%
109-A Forest Road	$1,900.00 - $2,000.00	$1,900.00	0.0%
109-B Forest Road	$1,900.00 - $2,000.00	$1,900.00	0.0%
1108-A Halyburton Ct	$2,010.00	$1,795.00	-10.7%
1108-B Halyburton Ct	$2,010.00	$1,790.00	-10.9%
1108-C Halyburton Ct	$2,010.00	$1,700.00	-15.4%
1108-D Halyburton Ct	$2,010.00	$1,700.00	-15.4%
1109-A Keppler Court	$2,300.00	$1,865.00	-18.9%
1109-B Keppler Court	$2,300.00	$1,865.00	-18.9%
1109-C Keppler Court	$2,010.00	$2,064.00	2.7%
1109-D Keppler Court	$2,010.00	$2,010.00	0.0%
1109-E Keppler Court	$2,010.00	$2,382.00	17.5%
1109-F Keppler Court	$2,010.00	$2,256.00	12.2%
1110-A Halyburton Ct	$2,010.00	$1,865.00	-7.2%
1110-B Halyburton Ct	$2,010.00	$1,865.00	-7.2%
1110-C Halyburton Ct	$2,010.00	$1,865.00	-7.2%
1110-D Halyburton Ct	$2,010.00	$1,865.00	-7.2%
1111-A Keppler Court	$2,010.00	$1,865.00	-7.2%
1111-B Keppler Court	$2,010.00	$2,065.00	2.7%
1111-C Keppler Court	$2,010.00	$1,595.00	-20.6%
1111-D Keppler Court	$2,010.00	$1,795.00	-10.7%
1112-A Hutchins Court	$2,010.00	$1,840.00	-8.5%
1112-B Hutchins Court	$2,010.00	$1,795.00	-10.7%
1112-C Hutchins Court	$2,010.00	$1,795.00	-10.7%
1112-D Hutchins Court	$2,010.00	$1,865.00	-7.2%
1113-A Keppler Court	$2,010.00	$1,878.00	-6.6%
1113-B Keppler Court	$2,010.00	$1,865.00	-7.2%
1113-C Keppler Court	$2,300.00	$2,195.00	-4.6%
1113-D Keppler Court	$2,300.00	$2,005.00	-12.8%
1113-E Keppler Court	$2,300.00	$2,300.00	0.0%
1113-F Keppler Court	$2,300.00	$2,100.00	-8.7%
1113-G Keppler Court	$2,010.00	$1,878.00	-6.6%
1113-H Keppler Court	$2,010.00	$1,878.00	-6.6%
1114-A Hutchins Court	$2,010.00	$1,840.00	-8.5%
1114-B Hutchins Court	$2,010.00	$1,865.00	-7.2%
1114-C Hutchins Court	$2,010.00	$1,865.00	-7.2%
1114-D Hutchins Court	$2,010.00	$1,840.00	-8.5%
1115-A Keppler Court	$2,010.00	$1,595.00	-20.6%
1115-B Keppler Court	$2,010.00	$1,595.00	-20.6%
1115-C Keppler Court	$2,010.00	$1,878.00	-6.6%
1115-D Keppler Court	$2,010.00	$1,795.00	-10.7%
1115-E Keppler Court	$2,010.00	$1,878.00	-6.6%
1115-F Keppler Court	$2,010.00	$1,865.00	-7.2%
1115-G Keppler Court	$2,010.00	$1,878.00	-6.6%
1115-H Keppler Court	$2,010.00	$1,878.00	-6.6%
1116-A Hutchins Court	$2,010.00	$1,795.00	-10.7%
1116-B Hutchins Court	$2,010.00	$1,865.00	-7.2%
1116-C Hutchins Court	$2,010.00	$1,800.00	-10.4%
1116-D Hutchins Court	$2,010.00	$1,840.00	-8.5%
1116-E Hutchins Court	$2,010.00	$1,965.00	-2.2%
1116-F Hutchins Court	$2,010.00	$1,865.00	-7.2%
1118-A Hutchins Court	$2,010.00	$1,800.00	-10.4%
1118-B Hutchins Court	$2,010.00	$1,840.00	-8.5%
1118-C Hutchins Court	$2,010.00	$1,840.00	-8.5%
1118-D Hutchins Court	$2,010.00	$1,840.00	-8.5%
111-A Forest Road	$1,900.00 - $2,000.00	$1,875.00	-1.3%
111-B Forest Road	$1,900.00 - $2,000.00	$1,875.00	-1.3%
1120-A Reeves Court	$1,995.00	$1,825.00	-8.5%
1120-B Reeves Court	$1,995.00	$1,795.00	-10.0%
1120-C Reeves Court	$1,995.00	$1,775.00	-11.0%
1120-D Reeves Court	$1,995.00	$1,874.00	-6.1%
1122-A Reeves Court	$1,995.00	$1,874.00	-6.1%
1122-B Reeves Court	$1,995.00	$1,865.00	-6.5%
1122-C Reeves Court	$1,995.00	$1,965.00	-1.5%
1122-D Reeves Court	$1,995.00	$1,825.00	-8.5%

Proposed Rent Schedule, July 2003
JSCo Treasure Island and Yerba Buena Island Housing Inventory

Location	Current Approved Rent Schedule	Proposed Rent Schedule July 2003	% Change
1122-E Reeves Court	$1,995.00	$1,865.00	-6.5%
1122-F Reeves Court	$1,995.00	$1,595.00	-20.1%
1124-A Reeves Court	$1,995.00	$1,595.00	-20.1%
1124-B Reeves Court	$1,995.00	$1,865.00	-6.5%
1124-C Reeves Court	$1,995.00	$1,865.00	-6.5%
1124-D Reeves Court	$1,995.00	$1,865.00	-6.5%
1124-E Reeves Court	$1,995.00	$1,595.00	-20.1%
1124-F Reeves Court	$1,995.00	$1,725.00	-13.5%
1125-A Reeves Court	$2,010.00	$1,840.00	-8.5%
1125-B Reeves Court	$2,010.00	$1,840.00	-8.5%
1125-C Reeves Court	$2,300.00	$2,300.00	0.0%
1125-D Reeves Court	$2,300.00	$2,300.00	0.0%
1125-E Reeves Court	$2,300.00	$2,103.00	-8.6%
1125-F Reeves Court	$2,300.00	$2,105.00	-8.5%
1125-G Reeves Court	$2,010.00	$2,068.00	2.9%
1125-H Reeves Court	$2,010.00	$1,865.00	-7.2%
1128-A Reeves Court	$1,995.00	$2,000.00	0.3%
1128-B Reeves Court	$1,995.00	$1,865.00	-6.5%
1128-C Reeves Court	$1,995.00	$1,874.00	-6.1%
1128-D Reeves Court	$1,995.00	$2,065.00	3.5%
1129-A Mason Court	$2,045.00	$1,770.00	-13.4%
1129-B Mason Court	$2,045.00	$1,865.00	-8.8%
1129-C Mason Court	$2,300.00	$2,162.00	-6.0%
1129-D Mason Court	$2,300.00	$2,000.00	-13.0%
1129-E Mason Court	$2,300.00	$1,795.00	-22.0%
1129-F Mason Court	$2,300.00	$1,955.00	-14.6%
1129-G Mason Court	$2,045.00	$1,800.00	-12.0%
1129-H Mason Court	$2,045.00	$1,700.00	-16.9%
1131-A Mason Court	$2,045.00	$1,770.00	-13.4%
1131-B Mason Court	$2,045.00	$1,872.00	-8.5%
1131-C Mason Court	$2,045.00	$1,865.00	-8.8%
1131-D Mason Court	$2,045.00	$1,800.00	-12.0%
1131-E Mason Court	$2,045.00	$1,865.00	-8.8%
1131-F Mason Court	$2,045.00	$1,770.00	-13.4%
1133-A Mason Court	$2,065.00	$2,065.00	0.0%
1133-B Mason Court	$2,065.00	$2,123.00	2.8%
1133-C Mason Court	$2,300.00	$2,162.00	-6.0%
1133-D Mason Court	$2,300.00	$2,105.00	-8.5%
1133-E Mason Court	$2,300.00	$2,105.00	-8.5%
1133-F Mason Court	$2,300.00	$2,105.00	-8.5%
1133-G Mason Court	$2,065.00	$1,737.00	-15.9%
1133-H Mason Court	$2,065.00	$1,800.00	-12.8%
1135-A Mason Court	$2,045.00	$1,800.00	-12.0%
1135-B Mason Court	$2,045.00	$1,865.00	-8.8%
1135-C Mason Court	$2,045.00	$1,767.00	-13.6%
1135-D Mason Court	$2,045.00	$2,065.00	1.0%
1135-E Mason Court	$2,045.00	$1,872.00	-8.5%
1135-F Mason Court	$2,045.00	$1,872.00	-8.5%
1135-G Mason Court	$2,045.00	$1,872.00	-8.5%
1135-H Mason Court	$2,045.00	$1,872.00	-8.5%
1137-A Mason Court	$2,045.00	$1,865.00	-8.8%
1137-B Mason Court	$2,045.00	$1,795.00	-12.2%
1137-C Mason Court	$2,045.00	$1,770.00	-13.4%
1137-D Mason Court	$2,045.00	$1,872.00	-8.5%
113-A Forest Road	$1,900.00 - $2,000.00	$1,875.00	-1.2%
113-B Forest Road	$1,900.00 - $2,000.00	$1,875.00	-6.3%
1141-A Ozbourn Court	$2,045.00	$1,885.00	-8.8%
1141-B Ozbourn Court	$2,045.00	$1,872.00	-8.5%
1141-C Ozbourn Court	$2,045.00	$1,795.00	-12.2%
1141-D Ozbourn Court	$2,045.00	$1,872.00	-8.5%
1141-E Ozbourn Court	$2,045.00	$2,092.00	2.3%
1141-F Ozbourn Court	$2,045.00	$1,700.00	-16.9%
1143-A Ozbourn Court	$2,065.00	$1,900.00	-8.0%
1143-B Ozbourn Court	$2,065.00	$1,788.00	-13.4%
1143-C Ozbourn Court	$2,065.00	$1,888.00	-8.6%
1143-D Ozbourn Court	$2,065.00	$1,888.00	-8.6%
1143-E Ozbourn Court	$2,065.00	$1,838.00	-11.0%
1143-F Ozbourn Court	$2,065.00	$1,888.00	-8.6%

Proposed Rent Schedule, July 2003
JSCo Treasure Island and Yerba Buena Island Housing Inventory

Location	Current Approved Rent Schedule	Proposed Rent Schedule July 2003	% Change
1145-A Ozbourn Court	$2,300.00	$1,888.00	-17.9%
1145-B Ozbourn Court	$2,300.00	$1,900.00	-17.4%
1145-C Ozbourn Court	$2,300.00	$2,105.00	-8.5%
1145-D Ozbourn Court	$2,300.00	$2,050.00	-10.9%
1145-E Ozbourn Court	$2,065.00	$2,005.00	-2.9%
1145-F Ozbourn Court	$2,065.00	$2,105.00	1.9%
1147-A Ozbourn Court	$2,045.00	$1,872.00	-8.5%
1147-B Ozbourn Court	$2,045.00	$1,865.00	-8.8%
1147-C Ozbourn Court	$2,300.00	$2,182.00	-5.0%
1147-D Ozbourn Court	$2,300.00	$2,200.00	-4.3%
1147-E Ozbourn Court	$2,300.00	$2,000.00	-13.0%
1147-F Ozbourn Court	$2,300.00	$2,182.00	-5.0%
1147-G Ozbourn Court	$2,045.00	$1,700.00	-16.9%
1147-H Ozbourn Court	$2,045.00	$1,795.00	-12.2%
1149-A Ozbourn Court	$2,045.00	$1,865.00	-8.8%
1149-B Ozbourn Court	$2,045.00	$1,800.00	-12.0%
1149-C Ozbourn Court	$2,045.00	$2,045.00	0.0%
1149-D Ozbourn Court	$2,045.00	$1,795.00	-12.2%
115-A Forest Road	$1,900.00 - $2,000.00	$1,800.00	-5.3%
115-B Forest Road	$1,900.00 - $2,000.00	$1,875.00	-1.3%
1201-A Bayside Drive	$2,065.00	$1,865.00	-9.7%
1201-B Bayside Drive	$2,065.00	$1,888.00	-8.6%
1201-C Bayside Drive	$2,300.00	$2,000.00	-13.0%
1201-D Bayside Drive	$2,300.00	$2,105.00	-8.5%
1201-E Bayside Drive	$2,065.00	$1,865.00	-9.7%
1201-F Bayside Drive	$2,065.00	$1,800.00	-12.8%
1202-A Mariner Drive	$2,065.00	$1,965.00	-4.8%
1202-B Mariner Drive	$2,065.00	$1,800.00	-12.8%
1202-C Mariner Drive	$2,300.00	$2,162.00	-6.0%
1202-D Mariner Drive	$2,300.00	$2,162.00	-6.0%
1202-E Mariner Drive	$2,065.00	$1,900.00	-8.0%
1202-F Mariner Drive	$2,065.00	$1,900.00	-8.0%
1203-A Bayside Drive	$1,790.00	$1,790.00	0.0%
1203-B Bayside Drive	$1,790.00	$1,640.00	-8.4%
1203-C Bayside Drive	$2,065.00	$1,965.00	-4.8%
1203-D Bayside Drive	$2,065.00	$1,865.00	-9.7%
1204-A Mariner Drive	$2,065.00	$1,795.00	-13.1%
1204-B Mariner Drive	$2,065.00	$2,065.00	0.0%
1204-C Mariner Drive	$2,300.00	$2,055.00	-10.7%
1204-D Mariner Drive	$2,300.00	$2,005.00	-12.8%
1204-E Mariner Drive	$2,065.00	$2,065.00	0.0%
1204-F Mariner Drive	$2,065.00	$1,965.00	-4.8%
1205-A Bayside Drive	$1,850.00	$1,850.00	0.0%
1205-B Bayside Drive	$1,850.00	$1,902.00	2.8%
1205-C Bayside Drive	$2,360.00	$2,300.00	-2.5%
1205-D Bayside Drive	$2,360.00	$2,427.00	2.8%
1205-E Bayside Drive	$1,850.00	$1,902.00	2.8%
1205-F Bayside Drive	$1,850.00	$1,802.00	-2.6%
1208-A Mariner Drive	$2,065.00	$1,865.00	-9.7%
1208-B Mariner Drive	$2,065.00	$1,965.00	-4.8%
1208-C Mariner Drive	$2,300.00	$2,300.00	0.0%
1208-D Mariner Drive	$2,300.00	$2,105.00	-8.5%
1208-E Mariner Drive	$2,065.00	$2,065.00	0.0%
1208-F Mariner Drive	$2,065.00	$1,865.00	-9.7%
1210-A Mariner Drive	$2,300.00	$2,000.00	-13.0%
1210-B Mariner Drive	$2,300.00	$2,162.00	-6.0%
1210-C Mariner Drive	$2,300.00	$2,162.00	-6.0%
1210-D Mariner Drive	$2,300.00	$2,195.00	-4.6%
1211-A Bayside Drive	$2,140.00	$2,200.00	2.8%
1211-B Bayside Drive	$2,140.00	$2,200.00	2.8%
1211-C Bayside Drive	$2,360.00	$2,450.00	3.8%
1211-D Bayside Drive	$2,360.00	$2,450.00	3.8%
1211-E Bayside Drive	$2,140.00	$2,065.00	-3.5%
1211-F Bayside Drive	$2,140.00	$2,200.00	2.8%
1212-A Mariner Drive	$2,065.00	$1,965.00	-4.8%
1212-B Mariner Drive	$2,065.00	$1,888.00	-8.6%
1212-C Mariner Drive	$2,300.00	$2,000.00	-13.0%
1212-D Mariner Drive	$2,300.00	$2,195.00	-4.6%

Proposed Rent Schedule, July 2003
JSCo Treasure Island and Yerba Buena Island Housing Inventory

Location	Current Approved Rent Schedule	Proposed Rent Schedule July 2003	% Change
1212-E Mariner Drive	$2,065.00	$1,965.00	-4.8%
1212-F Mariner Drive	$2,065.00	$1,939.00	-6.1%
1213-A Bayside Drive	$2,065.00	$1,965.00	-4.8%
1213-B Bayside Drive	$2,065.00	$2,025.00	-1.9%
1213-C Bayside Drive	$2,300.00	$2,256.00	-1.9%
1213-D Bayside Drive	$2,300.00	$2,364.00	2.8%
1213-E Bayside Drive	$2,065.00	$1,895.00	-8.2%
1213-F Bayside Drive	$2,065.00	$2,065.00	0.0%
1214-A Gateview Ct	$2,065.00	$1,865.00	-9.7%
1214-B Gateview Ct	$2,065.00	$1,888.00	-8.8%
1214-C Gateview Ct	$2,300.00	$2,364.00	2.8%
1214-D Gateview Ct	$2,300.00	$2,300.00	0.0%
1214-E Gateview Ct	$2,065.00	$1,665.00	-19.4%
1214-F Gateview Ct	$2,065.00	$1,939.00	-6.1%
1215-A Bayside Drive	$2,065.00	$2,025.00	-1.9%
1215-B Bayside Drive	$2,065.00	$1,865.00	-9.7%
1215-C Bayside Drive	$2,300.00	$1,850.00	-19.8%
1215-D Bayside Drive	$2,300.00	$2,050.00	-10.9%
1215-E Bayside Drive	$2,065.00	$2,065.00	0.0%
1215-F Bayside Drive	$2,065.00	$2,065.00	0.0%
1216-A Gateview Ct	$2,065.00	$1,692.00	-18.1%
1216-B Gateview Ct	$2,065.00	$1,750.00	-15.3%
1216-C Gateview Ct	$2,300.00	$1,800.00	-21.7%
1216-D Gateview Ct	$2,300.00	$1,865.00	-18.9%
1216-E Gateview Ct	$2,065.00	$1,750.00	-15.3%
1216-F Gateview Ct	$2,065.00	$1,650.00	-20.1%
1216-G Gateview Ct	$2,065.00	$1,865.00	-9.7%
1216-H Gateview Ct	$2,065.00	$2,065.00	0.0%
1217-A Mariner Drive	$2,065.00	$1,965.00	-4.8%
1217-B Mariner Drive	$2,065.00	$1,965.00	-4.8%
1217-C Mariner Drive	$2,300.00	$2,162.00	-6.0%
1217-D Mariner Drive	$2,300.00	$2,000.00	-13.0%
1217-E Mariner Drive	$2,065.00	$1,888.00	-8.6%
1217-F Mariner Drive	$2,065.00	$1,800.00	-12.8%
1218-A Gateview Ct	$1,790.00	$1,865.00	4.2%
1218-B Gateview Ct	$1,790.00	$1,800.00	0.6%
1218-C Gateview Ct	$2,065.00	$2,195.00	6.3%
1218-D Gateview Ct	$2,065.00	$2,000.00	-3.1%
1218-E Gateview Ct	$1,790.00	$1,965.00	9.8%
1218-F Gateview Ct	$1,790.00	$1,665.00	-7.0%
1219-A Mariner Drive	$2,065.00	$1,965.00	-4.8%
1219-B Mariner Drive	$2,065.00	$1,865.00	-9.7%
1219-C Mariner Drive	$2,300.00	$2,105.00	-8.5%
1219-D Mariner Drive	$2,300.00	$2,162.00	-6.0%
1219-E Mariner Drive	$2,065.00	$2,065.00	0.0%
1219-F Mariner Drive	$2,065.00	$1,865.00	-9.7%
1221-A Mariner Drive	$2,065.00	$1,965.00	-4.8%
1221-B Mariner Drive	$2,065.00	$1,865.00	-9.7%
1221-C Mariner Drive	$2,300.00	$2,105.00	-8.5%
1221-D Mariner Drive	$2,300.00	$2,050.00	-10.9%
1221-E Mariner Drive	$2,065.00	$1,865.00	-9.7%
1221-F Mariner Drive	$2,065.00	$2,123.00	2.8%
1223-A Mariner Drive	$2,065.00	$2,023.00	-2.0%
1223-B Mariner Drive	$2,065.00	$1,965.00	-4.8%
1223-C Mariner Drive	$2,300.00	$2,195.00	-4.6%
1223-D Mariner Drive	$2,300.00	$2,105.00	-8.5%
1223-E Mariner Drive	$2,065.00	$1,865.00	-9.7%
1223-F Mariner Drive	$2,065.00	$1,888.00	-8.6%
1224-A Bayside Drive	$2,065.00	$1,900.00	-8.0%
1224-B Bayside Drive	$2,065.00	$2,065.00	0.0%
1224-C Bayside Drive	$2,300.00	$2,308.00	0.3%
1224-D Bayside Drive	$2,300.00	$2,308.00	0.3%
1224-E Bayside Drive	$2,065.00	$1,885.00	-5.7%
1224-F Bayside Drive	$2,065.00	$1,800.00	-12.8%
1225-A Northpoint Drive	$2,065.00	$1,965.00	-4.8%
1225-B Northpoint Drive	$2,065.00	$2,065.00	0.0%
1225-C Northpoint Drive	$2,300.00	$2,050.00	-10.9%
1225-D Northpoint Drive	$2,300.00	$2,100.00	-8.7%

Proposed Rent Schedule, July 2003
JSCo Treasure Island and Yerba Buena Island Housing Inventory

Location	Current Approved Rent Schedule	Proposed Rent Schedule July 2003	% Change
1225-E Northpoint Drive	$2,065.00	$1,665.00	-19.4%
1225-F Northpoint Drive	$2,065.00	$1,965.00	-4.8%
1226-A Bayside Drive	$1,790.00	$1,750.00	-2.2%
1226-B Bayside Drive	$1,790.00	$1,758.00	-1.8%
1226-C Bayside Drive	$2,065.00	$2,025.00	-1.9%
1226-D Bayside Drive	$2,065.00	$2,025.00	-1.9%
1226-E Bayside Drive	$1,790.00	$1,700.00	-5.0%
1226-F Bayside Drive	$1,790.00	$1,600.00	-10.6%
1226-G Bayside Drive	$2,065.00	$1,900.00	-8.0%
1226-H Bayside Drive	$2,065.00	$1,865.00	-9.7%
1227-A Northpoint Drive	$2,065.00	$1,865.00	-9.7%
1227-B Northpoint Drive	$2,065.00	$1,865.00	-9.7%
1227-C Northpoint Drive	$2,300.00	$2,300.00	0.0%
1227-D Northpoint Drive	$2,300.00	$2,050.00	-10.9%
1227-E Northpoint Drive	$2,065.00	$1,865.00	-9.7%
1227-F Northpoint Drive	$2,065.00	$1,865.00	-9.7%
1228-A Gateview Ct	$2,065.00	$2,065.00	0.0%
1228-B Gateview Ct	$2,065.00	$1,865.00	-9.7%
1228-C Gateview Ct	$2,300.00	$2,306.00	0.3%
1228-D Gateview Ct	$2,300.00	$2,308.00	0.3%
1228-E Gateview Ct	$2,065.00	$2,092.00	1.3%
1228-F Gateview Ct	$2,065.00	$1,965.00	-4.8%
1230-A Gateview Ct	$2,065.00	$1,865.00	-9.7%
1230-B Gateview Ct	$2,065.00	$1,865.00	-9.7%
1230-C Gateview Ct	$2,300.00	$2,300.00	0.0%
1230-D Gateview Ct	$2,300.00	$2,050.00	-10.9%
1230-E Gateview Ct	$2,065.00	$2,092.00	1.3%
1230-F Gateview Ct	$2,065.00	$2,065.00	0.0%
1232-A Northpoint Drive	$2,065.00	$1,865.00	-9.7%
1232-B Northpoint Drive	$2,065.00	$2,065.00	0.0%
1232-C Northpoint Drive	$2,300.00	$2,000.00	-13.0%
1232-D Northpoint Drive	$2,300.00	$2,300.00	0.0%
1232-E Northpoint Drive	$2,065.00	$2,065.00	0.0%
1232-F Northpoint Drive	$2,065.00	$2,065.00	0.0%
1234-A Northpoint Drive	$2,065.00	$1,865.00	-9.7%
1234-B Northpoint Drive	$2,065.00	$2,065.00	0.0%
1234-C Northpoint Drive	$2,300.00	$2,300.00	0.0%
1234-D Northpoint Drive	$2,300.00	$2,220.00	-3.5%
1234-E Northpoint Drive	$2,065.00	$1,765.00	-14.5%
1234-F Northpoint Drive	$2,065.00	$2,065.00	0.0%
1235-A Northpoint Drive	$1,850.00	$1,765.00	-4.6%
1235-B Northpoint Drive	$1,850.00	$1,665.00	-10.0%
1235-C Northpoint Drive	$2,360.00	$2,200.00	-6.8%
1235-D Northpoint Drive	$2,360.00	$2,308.00	-2.2%
1235-E Northpoint Drive	$1,850.00	$1,727.00	-6.5%
1235-F Northpoint Drive	$1,850.00	$1,665.00	-10.0%
1237-A Northpoint Drive	$2,140.00	$2,005.00	-6.3%
1237-B Northpoint Drive	$2,140.00	$1,865.00	-12.9%
1237-C Northpoint Drive	$2,360.00	$1,850.00	-21.5%
1237-D Northpoint Drive	$2,360.00	$2,000.00	-15.3%
1237-E Northpoint Drive	$2,140.00	$1,665.00	-22.2%
1237-F Northpoint Drive	$2,140.00	$2,004.00	-6.4%
1238-A Northpoint Drive	$2,065.00	$1,858.00	-8.6%
1238-B Northpoint Drive	$2,065.00	$1,865.00	-9.7%
1238-C Northpoint Drive	$2,300.00	$2,105.00	-8.5%
1238-D Northpoint Drive	$2,300.00	$2,105.00	-8.5%
1238-E Northpoint Drive	$2,065.00	$1,865.00	-9.7%
1238-F Northpoint Drive	$2,065.00	$1,800.00	-12.8%
1239-A Northpoint Drive	$2,065.00	$1,965.00	-4.8%
1239-B Northpoint Drive	$2,065.00	$1,865.00	-9.7%
1239-C Northpoint Drive	$1,790.00	$1,690.00	-5.6%
1239-D Northpoint Drive	$1,790.00	$1,700.00	-5.0%
1239-E Northpoint Drive	$2,065.00	$1,865.00	-9.7%
1239-F Northpoint Drive	$2,065.00	$1,865.00	-9.7%
1239-G Northpoint Drive	$1,790.00	$1,600.00	-10.6%
1239-H Northpoint Drive	$1,790.00	$1,750.00	-2.2%
1240-A Northpoint Drive	$2,065.00	$1,800.00	-12.8%
1240-B Northpoint Drive	$2,065.00	$1,800.00	-12.8%

Proposed Rent Schedule, July 2003
JSCo Treasure Island and Yerba Buena Island Housing Inventory

Location	Current Approved Rent Schedule	Proposed Rent Schedule July 2003	% Change
1240-C Northpoint Drive	$2,300.00	$1,850.00	-19.6%
1240-D Northpoint Drive	$2,300.00	$2,369.00	3.0%
1240-E Northpoint Drive	$2,065.00	$2,065.00	0.0%
1240-F Northpoint Drive	$2,065.00	$1,595.00	-22.8%
1241-A Northpoint Drive	$2,065.00	$1,865.00	-9.7%
1241-B Northpoint Drive	$2,065.00	$1,865.00	-9.7%
1241-C Northpoint Drive	$2,300.00	$2,050.00	-10.9%
1241-D Northpoint Drive	$2,300.00	$2,300.00	0.0%
1241-E Northpoint Drive	$2,065.00	$1,965.00	-4.8%
1241-F Northpoint Drive	$2,065.00	$2,065.00	0.0%
1242-A Northpoint Drive	$2,065.00	$1,887.00	-8.6%
1242-B Northpoint Drive	$2,065.00	$1,888.00	-8.6%
1242-C Northpoint Drive	$2,300.00	$2,000.00	-13.0%
1242-D Northpoint Drive	$2,300.00	$1,595.00	-30.7%
1242-E Northpoint Drive	$2,065.00	$2,000.00	-3.1%
1242-F Northpoint Drive	$2,065.00	$1,665.00	-19.4%
1243-A Northpoint Drive	$1,790.00	$1,750.00	-2.2%
1243-B Northpoint Drive	$1,790.00	$1,750.00	-2.2%
1243-C Northpoint Drive	$2,300.00	$1,850.00	-19.6%
1243-D Northpoint Drive	$2,300.00	$2,050.00	-10.9%
1243-E Northpoint Drive	$1,790.00	$1,642.00	-8.3%
1243-F Northpoint Drive	$1,790.00	$1,684.00	-5.9%
1245-A Northpoint Drive	$2,065.00	$1,595.00	-22.8%
1245-B Northpoint Drive	$2,065.00	$2,065.00	0.0%
1245-C Northpoint Drive	$2,300.00	$2,100.00	-8.7%
1245-D Northpoint Drive	$2,300.00	$2,103.00	-8.5%
1245-E Northpoint Drive	$2,065.00	$1,965.00	-4.8%
1245-F Northpoint Drive	$2,065.00	$1,788.00	-13.4%
1247-A Exposition Drive	$2,065.00	$1,800.00	-12.8%
1247-B Exposition Drive	$2,065.00	$1,888.00	-8.6%
1247-C Exposition Drive	$2,300.00	$2,050.00	-10.9%
1247-D Exposition Drive	$2,300.00	$1,665.00	-27.8%
1247-E Exposition Drive	$2,065.00	$1,800.00	-12.8%
1247-F Exposition Drive	$2,065.00	$1,888.00	-8.6%
1249-A Exposition Drive	$2,065.00	$2,065.00	0.0%
1249-B Exposition Drive	$2,065.00	$1,965.00	-4.8%
1249-C Exposition Drive	$2,300.00	$2,050.00	-10.9%
1249-D Exposition Drive	$2,300.00	$1,965.00	-14.6%
1249-E Exposition Drive	$2,065.00	$1,800.00	-12.8%
1249-F Exposition Drive	$2,065.00	$1,965.00	-4.8%
1250-A Exposition Drive	$2,065.00	$2,065.00	0.0%
1250-B Exposition Drive	$2,065.00	$1,665.00	-19.4%
1250-C Exposition Drive	$2,300.00	$1,850.00	-19.6%
1250-D Exposition Drive	$2,300.00	$2,055.00	-10.7%
1250-E Exposition Drive	$2,065.00	$1,665.00	-19.4%
1250-F Exposition Drive	$2,065.00	$2,065.00	0.0%
1253-A Exposition Drive	$2,065.00	$2,065.00	0.0%
1253-B Exposition Drive	$2,065.00	$1,965.00	-4.8%
1253-C Exposition Drive	$2,300.00	$2,265.00	-1.5%
1253-D Exposition Drive	$2,300.00	$2,300.00	0.0%
1253-E Exposition Drive	$2,065.00	$1,665.00	-19.4%
1253-F Exposition Drive	$2,065.00	$1,928.00	-6.6%
1301-A Gateview Ave	$2,430.00	$2,498.00	2.8%
1301-B Gateview Ave	$2,430.00	$2,195.00	-9.7%
1301-C Gateview Ave	$2,430.00	$2,195.00	-9.7%
1301-D Gateview Ave	$2,430.00	$2,130.00	-12.3%
1302-A Avenue B	$2,300.00	$2,100.00	-8.7%
1302-B Avenue B	$2,300.00	$2,269.00	-1.3%
1302-C Avenue B	$2,300.00	$2,330.00	1.3%
1302-D Avenue B	$2,300.00	$2,300.00	0.0%
1302-E Avenue B	$2,300.00	$2,330.00	1.3%
1302-F Avenue B	$2,300.00	$2,330.00	1.3%
1303-A Gateview Ave	$2,430.00	$2,220.00	-8.6%
1303-B Gateview Ave	$2,430.00	$2,222.00	-8.6%
1303-C Gateview Ave	$2,430.00	$2,219.00	-8.7%
1303-D Gateview Ave	$2,430.00	$2,300.00	-5.3%
1303-E Gateview Ave	$2,430.00	$2,220.00	-8.6%
1303-F Gateview Ave	$2,430.00	$2,220.00	-8.6%

Proposed Rent Schedule, July 2003
JSCo Treasure Island and Yerba Buena Island Housing Inventory

Location	Current Approved Rent Schedule	Proposed Rent Schedule July 2003	% Change
1304-A Avenue B	$2,300.00	$2,100.00	-8.7%
1304-B Avenue B	$2,300.00	$2,100.00	-8.7%
1304-C Avenue B	$2,430.00	$2,100.00	-13.6%
1304-D Avenue B	$2,430.00	$2,450.00	0.8%
1304-E Avenue B	$2,430.00	$2,100.00	-13.6%
1304-F Avenue B	$2,430.00	$2,430.00	0.0%
1305-A Gateview Ave	$2,430.00	$2,425.00	-0.2%
1305-B Gateview Ave	$2,430.00	$2,219.00	-8.7%
1305-C Gateview Ave	$2,430.00	$2,219.00	-8.7%
1305-D Gateview Ave	$2,430.00	$2,220.00	-8.6%
1306-A Gateview Ave	$2,430.00	$2,326.00	-4.3%
1306-B Gateview Ave	$2,430.00	$2,450.00	0.8%
1306-C Gateview Ave	$2,430.00	$2,382.00	-2.0%
1306-D Gateview Ave	$2,430.00	$2,328.00	-4.2%
1306-E Gateview Ave	$2,430.00	$2,195.00	-9.7%
1306-F Gateview Ave	$2,430.00	$2,450.00	0.8%
1307-A Gateview Ave	$2,450.00	$2,519.00	2.8%
1307-B Gateview Ave	$2,450.00	$2,496.00	1.9%
1307-C Gateview Ave	$2,450.00	$2,450.00	0.0%
1307-D Gateview Ave	$2,450.00	$2,350.00	-4.1%
1307-E Gateview Ave	$2,450.00	$2,450.00	0.0%
1307-F Gateview Ave	$2,450.00	$2,400.00	-2.0%
1308-A Gateview Ave	$2,300.00	$2,195.00	-4.6%
1308-B Gateview Ave	$2,300.00	$2,300.00	0.0%
1308-C Gateview Ave	$2,300.00	$2,300.00	0.0%
1308-D Gateview Ave	$2,300.00	$2,208.00	-4.0%
1308-E Gateview Ave	$2,300.00	$2,109.00	-8.3%
1308-F Gateview Ave	$2,300.00	$2,209.00	-4.0%
1309-A Gateview Ave	$2,570.00	$2,519.00	-2.0%
1309-B Gateview Ave	$2,570.00	$2,519.00	-2.0%
1309-C Gateview Ave	$2,570.00	$2,519.00	-2.0%
1309-D Gateview Ave	$2,570.00	$2,450.00	-4.7%
1309-E Gateview Ave	$2,570.00	$2,519.00	-2.0%
1309-F Gateview Ave	$2,570.00	$2,380.00	-7.4%
1310-A Gateview Ave	$2,300.00	$2,195.00	-4.6%
1310-B Gateview Ave	$2,300.00	$2,100.00	-8.7%
1310-C Gateview Ave	$2,300.00	$2,100.00	-8.7%
1310-D Gateview Ave	$2,300.00	$2,050.00	-10.9%
1310-E Gateview Ave	$2,300.00	$2,195.00	-4.6%
1310-F Gateview Ave	$2,300.00	$2,100.00	-8.7%
1311-A Gateview Ave	$2,570.00	$2,450.00	-4.7%
1311-B Gateview Ave	$2,570.00	$2,519.00	-2.0%
1311-C Gateview Ave	$2,570.00	$2,519.00	-2.0%
1311-D Gateview Ave	$2,570.00	$2,519.00	-2.0%
1311-E Gateview Ave	$2,570.00	$2,519.00	-2.0%
1311-F Gateview Ave	$2,570.00	$2,217.00	-13.7%
1312-A Gateview Ave	$2,300.00	$2,209.00	-4.0%
1312-B Gateview Ave	$2,300.00	$2,195.00	-4.6%
1312-C Gateview Ave	$2,300.00	$2,151.00	-6.5%
1312-D Gateview Ave	$2,300.00	$2,000.00	-13.0%
1312-E Gateview Ave	$2,300.00	$2,195.00	-4.6%
1312-F Gateview Ave	$2,300.00	$2,209.00	-4.0%
1313-A Gateview Ave	$2,300.00	$2,308.00	0.3%
1313-B Gateview Ave	$2,300.00	$2,195.00	-4.6%
1313-C Gateview Ave	$2,300.00	$2,300.00	0.0%
1313-D Gateview Ave	$2,300.00	$2,308.00	0.3%
1313-E Gateview Ave	$2,300.00	$2,100.00	-8.7%
1313-F Gateview Ave	$2,300.00	$2,308.00	0.3%
1314-A Gateview Ave	$2,305.00	$2,450.00	6.3%
1314-B Gateview Ave	$2,305.00	$2,450.00	6.3%
1314-C Gateview Ave	$2,305.00	$2,450.00	6.3%
1314-D Gateview Ave	$2,305.00	$2,450.00	6.3%
1315-A Gateview Ave	$2,305.00	$2,370.00	2.8%
1315-B Gateview Ave	$2,305.00	$2,300.00	-0.2%
1315-C Gateview Ave	$2,305.00	$2,370.00	2.8%
1315-D Gateview Ave	$2,305.00	$2,370.00	2.8%
1315-E Gateview Ave	$2,305.00	$2,370.00	2.8%
1315-F Gateview Ave	$2,305.00	$2,195.00	-4.8%

Proposed Rent Schedule, July 2003
JSCo Treasure Island and Yerba Buena Island Housing Inventory

Location	Current Approved Rent Schedule	Proposed Rent Schedule July 2003	% Change
1316-A Gateview Ave	$2,305.00	$2,317.00	0.5%
1316-B Gateview Ave	$2,305.00	$2,305.00	0.0%
1316-C Gateview Ave	$2,305.00	$2,317.00	0.5%
1316-D Gateview Ave	$2,305.00	$2,000.00	-13.2%
1316-E Gateview Ave	$2,305.00	$2,195.00	-4.8%
1316-F Gateview Ave	$2,305.00	$2,195.00	-4.8%
1318-A Gateview Ave	$2,305.00	$2,370.00	2.8%
1318-B Gateview Ave	$2,305.00	$2,305.00	0.0%
1318-C Gateview Ave	$2,305.00	$2,207.00	-4.3%
1318-D Gateview Ave	$2,305.00	$2,317.00	0.5%
1318-E Gateview Ave	$2,305.00	$2,317.00	0.5%
1318-F Gateview Ave	$2,305.00	$2,207.00	-4.3%
1325-A Westside Drive	$2,360.00	$2,450.00	3.8%
1325-B Westside Drive	$2,360.00	$2,400.00	1.7%
1325-C Westside Drive	$2,360.00	$2,450.00	3.8%
1325-D Westside Drive	$2,360.00	$2,450.00	3.8%
1400-A Sturgeon Street	$1,750.00	$1,650.00	-5.7%
1400-B Sturgeon Street	$1,815.00	$1,600.00	-11.8%
1400-C Sturgeon Street	$1,815.00	$1,650.00	-9.1%
1400-D Sturgeon Street	$1,815.00	$1,650.00	-9.1%
1400-E Sturgeon Street	$1,815.00	$1,650.00	-9.1%
1400-F Sturgeon Street	$1,750.00	$1,650.00	-5.7%
1402-A Sturgeon Street	$1,750.00	$1,650.00	-5.7%
1402-B Sturgeon Street	$1,815.00	$1,650.00	-9.1%
1402-C Sturgeon Street	$1,815.00	$1,650.00	-9.1%
1402-D Sturgeon Street	$1,815.00	$1,710.00	-5.8%
1402-E Sturgeon Street	$1,815.00	$1,750.00	-3.6%
1402-F Sturgeon Street	$1,750.00	$1,600.00	-8.6%
1404-A Sturgeon Street	$1,750.00	$1,650.00	-5.7%
1404-B Sturgeon Street	$1,815.00	$1,650.00	-9.1%
1404-C Sturgeon Street	$1,815.00	$1,650.00	-9.1%
1404-D Sturgeon Street	$1,815.00	$1,661.00	-8.5%
1404-E Sturgeon Street	$1,815.00	$1,750.00	-3.6%
1404-F Sturgeon Street	$1,750.00	$1,595.00	-8.9%
1418-A Striped Bass St	$1,750.00	$1,650.00	-5.7%
1418-B Striped Bass St	$1,815.00	$1,750.00	-3.6%
1418-C Striped Bass St	$1,815.00	$1,650.00	-9.1%
1418-D Striped Bass St	$1,815.00	$1,650.00	-9.1%
1418-E Striped Bass St	$1,815.00	$1,650.00	-9.1%
1418-F Striped Bass St	$1,750.00	$1,750.00	0.0%
1420-A Striped Bass St	$1,750.00	$1,640.00	-6.3%
1420-B Striped Bass St	$1,815.00	$1,614.00	-11.1%
1420-C Striped Bass St	$1,815.00	$1,661.00	-8.5%
1420-D Striped Bass St	$1,815.00	$1,650.00	-9.1%
1420-E Striped Bass St	$1,815.00	$1,850.00	1.9%
1420-F Striped Bass St	$1,750.00	$1,750.00	0.0%
1430-A Halibut Court	$1,750.00	$1,758.00	0.5%
1430-B Halibut Court	$1,815.00	$1,600.00	-11.8%
1430-C Halibut Court	$1,815.00	$1,650.00	-9.1%
1430-D Halibut Court	$1,815.00	$1,698.00	-6.4%
1430-E Halibut Court	$1,815.00	$1,650.00	-9.1%
1430-F Halibut Court	$1,750.00	$1,815.00	3.7%
1431-A Halibut Court	$1,795.00	$1,650.00	-8.1%
1431-B Halibut Court	$1,815.00	$1,650.00	-9.1%
1431-C Halibut Court	$1,815.00	$1,650.00	-9.1%
1431-D Halibut Court	$1,815.00	$1,650.00	-9.1%
1431-E Halibut Court	$1,815.00	$1,650.00	-9.1%
1431-F Halibut Court	$1,795.00	$1,650.00	-8.1%
1436-A Chinook Court	$1,795.00	$1,650.00	-8.1%
1436-B Chinook Court	$1,840.00	$1,661.00	-9.7%
1436-C Chinook Court	$1,840.00	$1,600.00	-13.0%
1436-D Chinook Court	$1,840.00	$1,650.00	-10.3%
1436-E Chinook Court	$1,840.00	$1,650.00	-10.3%
1436-F Chinook Court	$1,795.00	$1,650.00	-8.1%
1437-A Chinook Court	$1,795.00	$1,650.00	-8.1%
1437-B Chinook Court	$1,840.00	$1,650.00	-10.3%
1437-C Chinook Court	$1,840.00	$1,650.00	-10.3%
1437-D Chinook Court	$1,840.00	$1,682.00	-8.6%

Proposed Rent Schedule, July 2003
JSCo Treasure Island and Yerba Buena Island Housing Inventory

Location	Current Approved Rent Schedule	Proposed Rent Schedule July 2003	% Change
1437-E Chinook Court	$1,840.00	$1,682.00	-8.6%
1437-F Chinook Court	$1,795.00	$1,640.00	-8.6%
1438-A Chinook Court	$1,750.00	$1,650.00	-5.7%
1438-B Chinook Court	$1,815.00	$1,600.00	-11.8%
1438-C Chinook Court	$1,815.00	$1,661.00	-8.5%
1438-D Chinook Court	$1,815.00	$1,650.00	-9.1%
1438-E Chinook Court	$1,815.00	$1,650.00	-9.1%
1438-F Chinook Court	$1,750.00	$1,750.00	0.0%
1439-A Chinook Court	$1,750.00	$1,650.00	-5.7%
1439-B Chinook Court	$1,815.00	$1,650.00	-9.1%
1429-C Chinook Court	$1,815.00	$1,661.00	-8.5%
1429-D Chinook Court	$1,815.00	$1,750.00	-3.6%
1439-E Chinook Court	$1,815.00	$1,650.00	-9.1%
1439-F Chinook Court	$1,750.00	$1,650.00	-5.7%
1444-A Croaker Court	$1,790.00	$1,650.00	-7.8%
1444-B Croaker Court	$1,840.00	$1,696.00	-7.8%
1444-C Croaker Court	$1,840.00	$1,650.00	-10.3%
1444-D Croaker Court	$1,840.00	$1,550.00	-15.8%
1444-E Croaker Court	$1,840.00	$1,840.00	0.0%
1444-F Croaker Court	$1,790.00	$1,797.00	0.4%
1449-A Croaker Court	$1,750.00	$1,500.00	-14.3%
1449-B Croaker Court	$1,815.00	$1,661.00	-8.5%
1449-C Croaker Court	$1,815.00	$1,660.00	-8.5%
1449-D Croaker Court	$1,815.00	$1,650.00	-9.1%
1449-E Croaker Court	$1,815.00	$1,650.00	-9.1%
1449-F Croaker Court	$1,750.00	$1,640.00	-6.3%
240-A Macalla Road	$2,050.00 - $2,400.00	$1,742.00 - $2,040.00	-15.0%
240-B Macalla Road	$2,050.00 - $2,400.00	$1,742.00 - $2,040.00	-15.0%
240-C Macalla Road	$1,600.00 - $1,750.00	$1,360.00 - $1,487.00	-15.0%
240-D Macalla Road	$1,600.00 - $1,750.00	$1,360.00 - $1,487.00	-15.0%
240-E Macalla Road	$1,600.00 - $1,750.00	$1,360.00 - $1,487.00	-15.0%
240-F Macalla Road	$1,600.00 - $1,750.00	$1,360.00 - $1,487.00	-15.0%
240-G Macalla Road	$2,050.00 - $2,400.00	$1,742.00 - $2,040.00	-15.0%
240-H Macalla Road	$1,600.00 - $1,750.00	$1,360.00 - $1,487.00	-15.0%
240-I Macalla Road	$1,600.00 - $1,750.00	$1,360.00 - $1,487.00	-15.0%
240-K Macalla Road	$1,600.00 - $1,750.00	$1,360.00 - $1,487.00	-15.0%
240-L Macalla Road	$1,600.00 - $1,750.00	$1,360.00 - $1,487.00	-15.0%
240-M Macalla Road	$1,600.00 - $1,750.00	$1,360.00 - $1,487.00	-15.0%
300-A Macalla Road	$1,965.00	$1,887.00	-4.0%
300-B Macalla Road	$2,485.00	$2,103.00	-15.4%
300-C Macalla Road	$1,965.00	$1,887.00	-4.0%
300-D Macalla Road	$2,485.00	$2,103.00	-15.4%
300-E Macalla Road	$1,965.00	$1,887.00	-4.0%
300-F Macalla Road	$2,485.00	$2,103.00	-15.4%
300-G Macalla Road	$1,965.00	$1,887.00	-4.0%
300-H Macalla Road	$2,485.00	$1,887.00	-24.1%
301-A Macalla Road	$1,965.00	$1,795.00	-8.6%
301-B Macalla Road	$2,485.00	$2,375.00	-4.4%
301-C Macalla Road	$1,965.00	$1,865.00	-5.1%
301-D Macalla Road	$2,485.00	$1,888.00	-24.0%
301-E Macalla Road	$1,965.00	$1,888.00	-3.9%
301-F Macalla Road	$2,485.00	$1,887.00	-24.1%
301-G Macalla Road	$1,965.00	$1,887.00	-4.0%
301-H Macalla Road	$2,485.00	$2,378.00	-4.3%
302-A Macalla Road	$2,485.00	$2,000.00	-19.5%
302-B Macalla Road	$2,485.00	$2,000.00	-19.5%
302-C Macalla Road	$2,485.00	$2,200.00	-11.5%
302-D Macalla Road	$2,485.00	$2,200.00	-11.5%
302-E Macalla Road	$2,485.00	$2,300.00	-7.4%
302-F Macalla Road	$2,485.00	$2,378.00	-4.3%
302-G Macalla Road	$2,485.00	$2,000.00	-19.5%
302-H Macalla Road	$2,485.00	$2,000.00	-19.5%
303-A Macalla Road	$2,360.00	$2,156.00	-8.6%
303-B Macalla Road	$2,360.00	$2,261.00	-4.2%
303-C Macalla Road	$2,360.00	$2,261.00	-4.2%
303-D Macalla Road	$2,360.00	$2,261.00	-4.2%
303-E Macalla Road	$2,360.00	$2,261.00	-4.2%
303-F Macalla Road	$2,360.00	$2,426.00	2.8%

Proposed Rent Schedule, July 2003
JSCo Treasure Island and Yerba Buena Island Housing Inventory

Location	Current Approved Rent Schedule	Proposed Rent Schedule July 2003	% Change
303-G Macalla Road	$2,360.00	$2,261.00	-4.2%
303-H Macalla Road	$2,360.00	$2,200.00	-6.8%
304-A Macalla Road	$2,485.00	$2,315.00	-6.8%
304-B Macalla Road	$2,485.00	$2,271.00	-8.6%
304-C Macalla Road	$2,485.00	$2,212.00	-11.0%
304-D Macalla Road	$2,485.00	$2,274.00	-8.5%
304-E Macalla Road	$2,485.00	$2,150.00	-13.5%
304-F Macalla Road	$2,485.00	$2,426.00	-2.4%
304-G Macalla Road	$2,485.00	$2,378.00	-4.3%
304-H Macalla Road	$2,485.00	$2,426.00	-2.4%
324-A Yerba Buena Drive	$2,700.00 - $2,800.00	$2,800.00	0.0%
324-B Yerba Buena Drive	$2,700.00 - $2,800.00	$2,678.00	-0.8%
324-C Yerba Buena Drive	$2,700.00 - $2,800.00	$2,600.00	-3.7%
324-D Yerba Buena Drive	$2,700.00 - $2,800.00	$2,878.00	2.8%
325-A Yerba Buena Drive	$2,700.00 - $2,800.00	$2,878.00	2.8%
325-B Yerba Buena Drive	$2,700.00 - $2,800.00	$2,678.00	-0.8%
325-C Yerba Buena Drive	$2,700.00 - $2,800.00	$2,800.00	0.0%
325-D Yerba Buena Drive	$2,700.00 - $2,800.00	$2,853.00	1.9%
326-A Yerba Buena Drive	$2,700.00 - $2,800.00	$2,600.00	-3.7%
326-B Yerba Buena Drive	$2,700.00 - $2,800.00	$2,400.00	-11.1%
327-A Yerba Buena Drive	$2,700.00 - $2,800.00	$3,000.00	7.1%
327-B Yerba Buena Drive	$2,700.00 - $2,800.00	$2,878.00	2.8%
328-A Yerba Buena Drive	$2,500.00 - $2,700.00	$2,000.00	-20.0%
328-B Yerba Buena Drive	$2,500.00 - $2,700.00	$2,300.00	-8.0%
328-C Yerba Buena Drive	$2,500.00 - $2,700.00	$2,300.00	-8.0%
328-D Yerba Buena Drive	$2,500.00 - $2,700.00	$2,400.00	-4.0%
329-A Yerba Buena Drive	$3,000.00 - $3,200.00	$2,900.00	-3.3%
329-B Yerba Buena Drive	$3,000.00 - $3,200.00	$2,900.00	-3.2%
331-A Yerba Buena Drive	$2,800.00 - $2,900.00	$2,700.00	-3.6%
331-B Yerba Buena Drive	$2,800.00 - $2,900.00	$2,500.00	-10.7%
60-A Forest Road	$1,900.00 - $2,000.00	$1,643.00	-13.5%
60-B Forest Road	$2,100.00 - $2,400.00	$2,400.00	0.0%
62 Macalla Road	N/A	$6,000.00 - $12,000.00	N/A
66-A Forest Road	$2,100.00 - $2,350.00	$1,875.00	-10.7%
66-B Forest Road	$2,100.00 - $2,350.00	$1,775.00	-15.5%
66-D Forest Road	$2,100.00 - $2,350.00	$1,875.00	-10.7%
66-E Forest Road	$2,100.00 - $2,350.00	$1,875.00	-10.7%
66-F Forest Road	$2,100.00 - $2,350.00	$2,000.00	-4.8%

Treasure Island Developer Fee

	Value per Sublease *****	Units Affected	Total
Total Developer Fee Per Sublease (as amended)		766	$1,018,014.00
Less Building 240 (YBI)	$2,349.00	12	($28,188.00)
Less All Environmentally Impacted Units (Treasure Island)	$1,252.00	80	($100,160.00)
Total Developer Fee to Date			$889,666.00
Credit for Delayed Units	$1,252.00	34	$42,568.00
Total Proposed Developer Fee			$932,234.00

[Budget Analyst Report]
Susan Hom
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CITY AND COUNTY OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

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August 13, 2003

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TO: Land Use Committee

FROM: Budget Analyst

SUBJECT: August 18, 2003 Land Use Committee Meeting

Items 1, 2, and 3 - Files 03-1194, 03-1197, and 03-1198

Department: Recreation and Park Department (RPD)
California Academy of Sciences (CAS)

Items: File 03-1194: Ordinance authorizing the Recreation and Park Commission to award contracts for construction and/or design/build services in connection with the reconstruction of the California Academy of Sciences.

File 03-1197: Resolution approving the construction of the California Academy of Sciences Project in Golden Gate Park pursuant to section 4.113 of the San Francisco Charter; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that the Project is consistent with the City's General Plan, the Golden Gate Park Master Plan, and Eight Priority Policies of the City Planning Code section 101.1.

File 03-1198: Resolution affirming the Planning Commission's certification of the California Academy of Sciences Final Environmental Impact Report and adopting environmental findings (and a statement of overriding considerations) pursuant to the California

Environmental Quality Act, State Guidelines, and Administrative Code Chapter 31 in connection with the California Academy of Sciences Project.

Background:

The California Academy of Sciences (CAS) is a nonprofit organization that manages and controls the buildings and improvements in Golden Gate Park, including the Steinhart Aquarium, Morrison Planetarium and the Natural History Museum, as well as a research institution and educational facilities, which are collectively referred to as the Academy Facility.

Attachment I, provided by Ms. Alison Brown of the CAS, describes the scope of the proposed Project that would demolish 11 of the existing 12 buildings located in Golden Gate Park that comprise the Academy Facility, and construct a new building that would house the Academy's facilities in one structure. The one building that would not be demolished is the Africa Hall because the Africa Hall is in relatively good physical condition and will provide a visually prominent link to the old facility, according to Ms. Brown. Attachment I also includes a Project schedule, the planned temporary facilities, the selected architects, and the estimated cost and the sources of the funds for the proposed Project.

As noted in Attachment I, it is estimated that demolition work for the Project would begin in October of 2004 and that the Project would be completed by July of 2008. As noted in Attachment I, the total estimated project cost is $370,485,300.

Description:

File 03-1194: The proposed ordinance would authorize new construction contracting procedures that would govern only the rebuild of the Academy Facility. These new construction contracting procedures would authorize:

- The Recreation and Park Commission to take all necessary steps to procure contract design and/or construction services for the Project. Under the current contracting procedure, the Recreation and Park Commission would award construction contracts through a low bid selection process and would award design/build contractors through the design/build selection process. Under the design/build process, the

Department uses a Request for Proposal (RFP). However, this ordinance would allow the Recreation and Park Commission and CAS to conduct a pre-qualification process for construction contractors in each trade required for the Project. After the pre-qualification list is developed, the CAS could select from the pre-qualification list, following approval of the Recreation and Park Commission for those contracts that will receive City funds.

- For all work not funded by City funds[1], CAS and its General Contractor would solicit and award any subcontracts for labor, equipment, materials and supplies on whatever basis CAS and its General Contractor determine to be in the best interest of the Project.
- For all contracts funded in any part by City funds, the following Administrative Code Sections would be waived: (1) 6.21.A.1 which requires 10 day published advertising for requests for bids and quotes, (2) Section 6.21.A.9 which requires that bidders designate their subcontractors in accordance with the California Subletting and Subcontracting Fair Practices Act (State of California Public Contracts Code §4100 *et seq.*); (3) Section 6.22.A which requires that all bidders file payment and performance bonds, (4) Section 12D.A.9 which established preference for bidders for prime contracts as part of the City's MBE/WBE program, (5) Section 2A.160 which requires the Board of Supervisors to adopt insurance requirements for Academy construction projects; and (6) Section 6.61 which establishes the conditions under which department heads are authorized to enter into "design build construction" contracts.

File 03-1197: The proposed resolution adopts (a) the Planning Commission's certification of the Final Environmental Impact Report, and (b) the Planning Commission's and the Recreation and Park Commission's findings that the Project conforms with the Eight Priority Policies of Section 101.1 of the Planning Code, the General Plan, and the Golden Gate Park Master Plan.

[1] City funds include the General Obligation bonds approved by the voters in Proposition C in 1995 ($29,245,000) and Proposition B in 2000 ($87,445,000), and would include any other funds that the City makes available for the Project, subject to appropriation approval by the Board of Supervisors.

The proposed resolution would also authorize approval of the Project, pursuant to Charter Section 4.113. This Charter Section requires that "no building or structure, except for nurseries, equipment storage facilities and comfort stations, shall be erected, enlarged or expanded in Golden Gate Park or Union Square Park unless such action has been approved by a vote of two-thirds of the Board of Supervisors."

File 03-1198: The proposed resolution would affirm that the Board of Supervisors agrees with the Planning Commission's certification of the Final Environmental Impact Review Report on July 10, 2003. The proposed resolution also would approve a statement of overriding considerations approved by the Planning Commission on July 24, 2003 which finds that some minor revisions to the Project[2] modifications incorporated into the Project will not require revisions to the Final Environmental Impact Report.

Budget: According to Ms. Brown, the Project is estimated to cost $370,485,300 as shown in the table below:

Expenditures	Estimated Amount
Construction	$300,485,300
Temporary facilities and transitional expenses	30,000,000
Direct project costs (see Attachment I, pg. 3)	20,000,000
Increased endowment (see Attachment I, pg. 3)	20,000,000
TOTAL:	$370,485,300

[2] According to Mr. Harry O'Brien of Coblentz, Patch, Duffy and Bass L.L. P, these minor revisions are as follows: -Page Comments and Responses (C&R) 7: include a statement in the summary, that already existed in the main text, that the project is a pilot sustainability project; C&R 10: clarify that the below-grade loading docks would include trash and recycling collections areas;-C&R 11: change the order of one item in the approval list so it reads chronologically; -C&R 12: revise three sentences to clarify pedestrian and bicycle access paths;-C&R 13: replace one word to correct a typographical error; -C&R 27: Add additional detail regarding the North American Hall façade; -C&R 32-33: clarify the nature of views from the Big Rec ball field;-C&R 40-44: make minor modifications to two improvement measures.

The total estimated Project costs of $370,485,300 would be funded as follows:

Funding Source	Amount	Funding Identified or Realized by CAS
City Sources:		
General Obligation Bonds – 1995		
2000	$29,245,000	
Subject to Board of Supervisor	87,445,000	
appropriation approval	$116,690,000	$116,690,000
Private Sources:		
Gifts	106,795,300	76,000,000
Previously Issued Conduit Bonds[3]	60,000,000	60,000,000
Community Campaign	28,000,000	0
Other Government Funding:		
State of California	24,000,000	24,000,000
Federal Government	35,000,000	4,000,000
State and Federal Funds	$59,000,000	$28,000,000
TOTAL:	$370,485,300	$280,690,000

As shown in the table above, of the approximately $370,485,300 required, CAS has identified $280,690,000 or approximately 75.8 percent of the required funds. CAS intends to obtain the remaining $89,795,300 or approximately 24.2 percent of the total project costs with private donations, CAS conduit bonds, and with additional State and Federal Funds. However, specific funding sources for the $89,795,300 has not yet been identified.

Comments:

1. In 1995, San Francisco voters approved Proposition C that authorized $29,245,000 in General Obligation bonds for Steinhart Aquarium Improvements, and in 2000 voters approved Proposition B that authorized $87,445,000 in General Obligation bonds for overall

[3] Conduit bonds are low interest tax exempt bonds for construction and acquisition which are issued through State or local government agencies for nonprofit organizations that are exempt from federal taxes under Section 501-(c)(3).

improvements of the California Academy of Sciences, for a total of $116,690,000 in bonds. According to Ms. Brown, to date, the CAS has not requested that any of the $116,690,000 in bond funds be appropriated by the Board of Supervisors.

As described in Attachment I, CAS intends to rebuild the Academy Facility to repair earthquake damage, meet seismic standards, and modernize and enhance the Academy Facility for an estimated total Project Cost of $370,485,300. The $116,690,000 of General Obligation bonds would fund approximately 31.5 percent of the $370,485,300 total Project Cost. The issuance and appropriation of all of the General Obligation bond funds would require subsequent approval by the Board of Supervisors.

2. According to Ms. Brown, CAS would have overall responsibility for the Project, and would enter into all Project-related contracts, including the primary construction contract. Ms. Brown notes that the Charter provides CAS with the management responsibilities for the Academy Facility. Ms. Brown advises that the DPW, in conjunction with the Recreation and Park Department, would provide fiduciary oversight, assistance and coordination in the expenditure of the $116,690,000 of City funds for the Project, and would provide review of construction budgets, schedules and other Project documents for the entire Project. CAS intends to use only private funds to pay for the Primary Contractor, as Construction Manger-At-Risk (CM-at-Risk) for the Project. Ms. Brown states that the $116,690,000 of City funds would be used for construction subcontractors assigned to the CM-at-Risk. Ms. Brown estimates that the cost of subcontractors for the Project should substantially exceed $116,690,000, with the balance to be paid from private, Federal and State funding sources.

3 According to Mr. Donald Young, a private consultant who is CAS's Project Manager, rather than CAS awarding multiple prime contracts for construction of different portions of the Project and being responsible for coordinating work among the various prime contractors, the CAS will award only a single contract with a

Construction Manager (CM)-at-Risk. The Budget Analyst requested that CAS provide a description, in detail, of how Mr. Young was selected and provide a detailed budget for Mr. Young's total coordinating costs, including hours and hourly rates. As of the writing of this report, CAS did not provide such details to the Budget Analyst. However, as stated in Attachment II provided by Ms. Brown, CAS will not use City funds to compensate Mr. Young.

Using the CM-at-Risk approach, the Construction Management Services contractor would prepare and update construction schedules, conduct contract administration and logistics planning. The CM-at-Risk would provide services similar to a General Contractor, including management services, conducting the selection process for construction subcontractors and suppliers, and entering into subcontracts for construction and suppliers, instead of the CAS itself handling such responsibility. The CM-at-Risk would also be responsible for phasing the work for the project, managing the subcontracts and guaranteeing the maximum price and deadlines for the work performed. Under the proposed CM-at-Risk contract for the Project, the CM-at-Risk would serve as the sole Prime Contractor and would agree to a Guaranteed Maximum Price (GMP) for all of the professional services to be performed by the CM-at-Risk and for all of the construction work to be performed by all of the subcontractors of the CM-at-Risk. In summary, there would be one Prime Contractor, the CM-at-Risk, and all other contractors and subcontractors for the project would be subcontracted to the CM-at-Risk.

Attachment II to this report, provided by Ms. Brown, details the selection process CAS conducted to select the CM-at-Risk in May of 2002. Ms. Brown advises, and as stated in Attachment II, "no City funds will be used to pay the selected general contractor". Therefore, according to Ms. Brown, CAS did not follow the City's selection process. CAS did not advertise the Request for Proposals (RFP) but rather invited three General Contractors, Webcor Builders, Rudolph and Stetten, and Swinerton, Inc. to respond to the RFP based on a review process. Ms. Brown advises that based on the criteria detailed in

Attachment II, CAS selected Webcor Builders as the General Contractor, CM-at-Risk. As of the writing of this report, CAS did not provide the bid amounts or the amount of the award to Webcor Builders and did not provide the reason for failing to provide such information. According to Ms. Brown, Webcor Builders is currently under contract only for pre-construction services and will not be compensated with City funds.

The City has previously utilized the CM-at-Risk approach for the Laguna Honda Replacement and the San Bruno Jail projects.

4. The proposed ordinance would waive Administrative Code Sections 6.21.A.1, 6.21.A.9, 6.22.A, 12D.A.9, 2A.160 and 6.61. Attachment III to this report, compiled by Mr. Edgar Lopez of DPW in coordination with Mr. George Wong of the City Attorney's Office, compares the provisions that the proposed subject ordinance would waive to the provisions provided for in the subject proposed ordinance. Attachment III also summarizes CAS's justification for requesting these waivers.

The Budget Analyst has reviewed the explanation of the proposed waivers and CAS's justification for requesting such waivers as detailed in Attachment III. The Budget Analyst questions the following three justifications:

(1) The proposed ordinance would waive Section 6.21.A.1 of the Administrative Code regarding the requirement for ten day published advertising for requests for bids and quotes. According to Mr. Harry O'Brien, of Coblentz, Patch, Duffy and Bass, LLP., the Attorney for CAS, this wavier is requested because CAS and the Recreation and Park Commission will award contracts based on a list of pre-qualified bidders, rather than a full bid process as otherwise required by the Administrative Code. Mr. O'Brien advises that it is CAS's intention to advertise the pre-qualification process for ten days. However, the Budget Analyst notes that the proposed ordinance does not state that the pre-qualification process would require any advertising in the City's official advertising newspapers. The Budget Analyst further notes that

City funds would pay for contractors selected from this pre-qualified list. The Budget Analyst recommends that the proposed ordinance be amended to require that Section 6.21.A.1 be complied with in the pre-qualification process. CAS concurs with this recommendation.

(2) The proposed ordinance would waive Section 2.A.160 of the Administrative Code which states that the Board of Supervisors by ordinance shall prescribe insurance requirements for Academy construction projects. Mr. O'Brien advises that this Administrative Code provision is unique to CAS. For capital projects of City departments', the insurance requirements are set by the City's Risk Manager. The proposed ordinance, if approved by the Board of Supervisors, would authorize the City's Risk Manager to approve the Project's insurance requirements, without further approval by the Board of Supervisors. According to Mr. Young, this waiver is requested because CAS believes the City's Risk Manager could more quickly and effectively determine insurance requirements for the Project without requiring additional Board of Supervisors approval. The Budget Analyst considers approval of this proposed waiver to be a policy decision for the Board of Supervisors.

(3) The proposed ordinance would waive Section 6.61 that establishes the Design-Build requirements for construction projects, as described in Attachment III. The Budget Analyst notes that waiving Section 6.61 would waive the requirement that the Board of Supervisors approve all Design-Build contracts. According to Mr. O'Brien, the proposed ordinance instead allows the Recreation and Park Commission to approve contracts that would use City General Obligation bond funds, without further approval by the Board of Supervisors. Mr. O'Brien states that the Recreation and Park Commission would be familiar with the overall Project and would expedite the approval of contracts on a more timely basis if the Board of Supervisors approval were not required. The Budget Analyst considers this proposed waiver of Board of Supervisors approval to be a policy matter for

the Board of Supervisors. The Budget Analyst notes that pursuant to Charter Section 9.118, any contract, other than construction contracts, above $10,000,000 or with a term 10 years or longer would still require approval by the Board of Supervisors. Design-build contracts are not treated as construction contracts and therefore would be subject to Charter Section 9.118. According to Mr. Young, CAS does not currently expect that any design-build contracts would be awarded that would cost more than $10,000,000 or have a contract term projected to extend beyond 10 years, with the possible exception of the design-build contracts for the Aquarium acrylic and life support systems (see Comment No. 6).

5. In response to the Budget Analyst questions regarding whether the proposed ordinance would allow for an appeals process for unsuccessful bidders, Mr. O'Brien advises that it would not. According to Mr. Wong, the appeals process, also referred to as a protest, is required to be available for bidders, and is often specified in the City's RFP/RFQs. Mr. Wong suggests that if the Board of Supervisors, as a policy matter, wishes to include an appeals process, that the proposed ordinance should be amended to provide that "the Recreation and Park Commission would have the authority to determine any protests or appeals". Mr. Wong advises that this language would provide for the same opportunity for appeal of the bidding process as is available to all bidders responding to RFPs issued by City departments.

6. Mr. Wong advises that an amendment to the subject ordinance will be introduced at the Land Use Committee on August 18, 2003 to include a provision that the Board of Supervisors, by approving this ordinance, would also approve selection of design-build contractors for the Aquarium acrylic and life support systems, to be selected at a later date by the Recreation and Park Commission. This amendment would therefore meet the requirements of Charter Section 9.118. The Budget Analyst notes that should the Board of Supervisors approve this amendment, the Board of Supervisors would not have an opportunity to review the details of the selection process and price for the Aquarium acrylic and life support systems contracts.

7. As previously noted, CAS has not yet identified specific funding sources for $89,795,300 or approximately 24.2 percent of the estimated total Project costs of $370,485,300. Attachment IV, provided by Ms. Brown, responds to the Budget Analyst's concerns regarding the type of controls that would protect the City's funds in the event that CAS is not able to obtain the funds needed, including private funds and Federal funds to complete the Project. As stated in Attachment IV, "Construction of the Project will not commence until both the Academy [CAS] and the City are satisfied that financing is in place to assure completion of the construction of the Project." Ms. Brown further notes that the Board of Supervisors would have an opportunity to review and approve CAS's final financing plan for the Project prior to the appropriation of the General Obligation Bonds. CAS anticipates seeking Board of Supervisor approval to appropriate the General Obligation bonds in the spring of 2004.

Attachment V to this report, provided by Ms. Brown, describes the sources of State and Federal funds in the amount of $28,000,000 ($4,000,000 Federal Funds and $24,000,000 in State Funds) that CAS has already identified and an explanation of how the CAS plans to raise the additional $31,000,000 in State and Federal funds for the Project. According to Ms. Brown, CAS will raise an additional $58,795,300 in private donations to realize the total additional $89,795,300 needed for the Project ($31,000,000 plus $58,793,300 equals $89,795,300).

8. As previously noted, the Budget Analyst requested that CAS provide (a) a description, in detail, of how the CAS Project Manager, Mr. Young, was selected and (b) a detailed budget for Mr. Young's total costs, including hours and hourly rates. The Budget Analyst also requested the bid amounts of the three respondents to CAS's RFP for the Construction Manager (CM)-at-Risk and the amount of the award to Webcor Builders. As of the writing of this report, CAS has not provided such details to the Budget Analyst. However, as stated in Attachment II provided by Ms. Brown, CAS will not use City funds to compensate Mr. Young or Webcor Builders.

Recommendations:

1. Amend the proposed ordinance to require that the provisions of Section 6.21.A.1 not be waived for the pre-qualification process, therefore requiring CAS to obtain competitive bids through formal advertising in the City's official advertising newspapers. CAS concurs with this Budget Analyst recommendation (see Comment No. 4(1) above).

2. Deletion of the waiver of Section 2.A.160 of the Administrative Code, which presently requires Board of Supervisors approval for prescribing insurance requirements for Academy construction projects, is a policy matter for the Board of Supervisors (see Comment No. 4(2) above).

3. Deletion of the waiver of the provision of Section 6.61 that requires that the Board of Supervisors approve all Design-Build contracts, is a policy decision by the Board of Supervisors (see Comment No. 4(3) above).

4. A potential amendment of the proposed ordinance to include an appeals process for unsuccessful bidders is a policy matter for the Board of Supervisors (see Comment No. 5). Mr. Wong advises that if the Board of Supervisors wishes to include an appeals process, the proposed ordinance should be amended to provide that "the Recreation and Park Commission would have the authority to determine any protests or appeals".

5. Approval of the proposed legislation, as amended, is a policy matter for the Board of Supervisors.

Harvey M. Rose

cc: Supervisor McGoldrick
Supervisor Maxwell
Supervisor Ammiano
Clerk of the Board
Controller
Ben Rosenfield
Ted Lakey

CALIFORNIA ACADEMY OF SCIENCES
INFORMATION ON THE PROPOSED PROJECT

PROPOSED PROJECT AND SCHEDULE

General

As currently contemplated, the Proposed Project will entail substantial new construction and renovations, the demolition of eleven existing buildings totaling approximately 311,400 gross square feet, the substantial renovation of one building, African Hall, and an overall increase in floor space and a consolidation of exhibit spaces, resulting in a reduction in the overall footprint of the Academy's facilities.

As contemplated, the Proposed Project will include four principal buildings, two large spherical exhibit spaces, and the rebuilt Aquarium entry structure, all organized around a central courtyard and enclosed under a single roof. Africa Hall, which is in relatively good physical condition, will be restored in place, and North American Hall will be rebuilt in a manner consistent with the classical proportions of Africa Hall. The curving roof structure over the Planetarium, Aquarium, and other exhibition spaces, covered with native plants, will appear as "hills" in the roofline. The Proposed Project will be landscaped to re-establish its connection to Golden Gate Park and will consist of five floors, two below grade and three above. The Proposed Project will include a main lobby and courtyard, new exhibit spaces, an auditorium, classrooms, collections, laboratories, research and administration space, restaurant and lunch room areas, a loading dock, approximately 15 service vehicle spaces and other museum-related spaces.

All of the facilities of the Academy that do not meet current seismic standards will be replaced or will undergo seismic renovation as a part of the Proposed Project. The Proposed Project will be built to conform to all current applicable codes adopted by the State with San Francisco amendments.

Proposed Project Schedule

Construction of the Proposed Project is scheduled to commence with demolition and abatement work in October 2004, with substantial completion of the building in July 2007, followed by installation of exhibits, and a reopening to the public in July 2008. The Academy has determined that it will be safer, more convenient for visitors and members, and substantially more cost-efficient to close the existing Academy during the reconstruction period. The Academy is expected to close in December 2003 and to reopen within about four and one-half years, following a move-in period. During the reconstruction period, the Academy will relocate to temporary facilities in San Francisco, as discussed below. The estimated schedule is, of course, subject to change.

CALIFORNIA ACADEMY OF SCIENCES
ESTIMATED CONSTRUCTION SCHEDULE
FOR THE PROPOSED PROJECT

Event	Estimated Completion Dates
Design	February 2004
Demolition and Abatement	October 2004
Excavation/Groundbreaking	June 2005
Substantial Completion of Construction	July 2007
Substantial Completion of Exhibits	April 2008
Re-opening of Academy	July 2008

Prepared by the California Academy of Sciences
August 12, 2003

Temporary Facilities

During the reconstruction period, the Academy will relocate to a temporary home at 875 Howard Street in San Francisco. The Academy has surveyed its membership base to determine which programs are most crucial to maintaining interest in the Academy during the period of expected closure. The Academy has also studied strategies undertaken and the results achieved by comparable institutions, such as the American Museum of Natural History, during prolonged periods of closure. Based on the results of these studies, the Academy has determined to use its temporary facility to display fish and other living creatures currently on display at the Aquarium. The temporary facility may also be used to give visitors a "behind-the-scenes" look at how the Aquarium functions. During the period of expected closure, the Academy will also present educational outreach programs throughout the Bay Area.

The Academy has leased property, located at 875 Howard Street in the City, to be the site of interim facilities for the Academy during the reconstruction period. The Academy expects to move into this temporary location by the end of 2003. The temporary facilities at 875 Howard Street are expected to house all of the Academy's administrative offices and exhibition spaces during the reconstruction period.

Proposed Project Components

The planned major components of the Proposed Project are described below.

Exhibition Spaces. Unlike traditional museum exhibition organization – with separate halls devoted to single geographic areas or individual disciplines – the Proposed Project would feature flexible, integrated exhibition spaces that reflect the interconnections of the living world and the multidisciplinary nature of science. The Academy expects that by maintaining flexibility in its exhibit spaces, it will be able to offer new exhibits more frequently than in the past and thereby avoid declining attendance as public interest in static exhibits wanes over time.

One of the Aquarium's distinctive new exhibits would be a 20-foot deep, 225,000-gallon living Philippine coral reef habitat. Another dramatic, multi-level exhibition space would represent four rainforests, with the sights, sounds and organisms particular to each locale. Visitors to the rainforest exhibit could take a vertical journey through the different rainforest zones, from the forest floor to the upper canopy (containing a live butterfly exhibit), seeing the unique insects, plants, reptiles and amphibians that live in these vital habitats. The current Planetarium is expected to be replaced with a state-of-the-art digital planetarium in which visitors could take virtual tours of outer space. In keeping with the Academy's focus on flexibility in exhibits, the new Planetarium is expected to feature a digital projector capable of producing a variety of different programs.

Environmental Sensitivity. With its "green" architecture and environmentally-sensitive design, the Proposed Project would be an expression of the Academy's mission to understand and protect the natural world. The new Academy buildings would be designed with the goal of achieving the highest Leadership in Energy and Environmental Design (LEED) rating given by the United States Green Building Council. To achieve a high LEED rating, the design and construction practices used throughout the Proposed Project must significantly reduce or eliminate the negative impact that the Academy has on the environment. The LEED rating system focuses on sustainable site planning, water efficiency, energy efficiency, conservation of materials and resources, and indoor environmental quality.

Educational Components. The Proposed Project would provide enhanced exhibition and research areas as well as educational programs and visitor services. A new Naturalist Center would enable visitors to engage in hands-on activities in labs and classrooms, and a significantly enlarged early

childhood education center would offer interactive learning for children under six. A new auditorium and modernized classrooms and labs would allow the Academy to meet the growing demand for science-based learning opportunities for children and students. Research labs and collection areas will be expanded in the Proposed Project and modernized to increase collaboration and access to the Academy's extensive specimens collections that are ranked among the world's largest and provide essential tools for comparative studies in biodiversity. Plans for the new facility will accommodate more than fifty years of collection growth to enable continued expansion of the Academy's collections. A critical part of the Academy's mission is sharing the excitement of scientific exploration and discovery. With the Proposed Project, visitors would have increased access to the Academy's research and collection areas. Views into the modernized research labs and diverse collections would allow visitors to look behind the scenes and see the Academy's scientific work as it takes place.

Architects

The architects for the Proposed Project are Renzo Piano Building Workshop of Italy (the "Workshop") and Gordon H. Chong and Partners of San Francisco ("Chong and Partners") (together, the "Architects"). The Architects are responsible for the architectural and engineering design and documentation of the Proposed Project. The Workshop was founded by Renzo Piano. Mr. Piano is a 1964 graduate of the school of Architecture, Milan Polytechnic, and was awarded the prestigious Pritzker Prize in 1998. The Workshop has offices in Genoa, Italy and Paris, France. Recent projects of the Workshop include the Menil Museum and its Cy Twombly addition in Houston, the Beyeler Museum in Basel, Switzerland, the Kansai Air Terminal in Osaka Bay, Japan and the Potsdamer Platz reconstruction in Berlin, Germany.

Chong and Partners was established in 1976 by Gordon Chong. Recent clients include Stanford University, the University of California, Laguna Honda Hospital and the Jewish Museum of San Francisco.

PLAN OF FINANCE AND FUTURE APPROVALS

Estimated Costs of Proposed Project

The Proposed Project is estimated to cost a total of approximately $370 million -- approximately $300 million for construction of the new facility and exhibits, approximately $30 million for the temporary facility and transitional expenses, approximately $20 million for direct project costs (such as fund raising, internal project management, external accountants, media campaign and legal costs) and $20 million for a planned increase in the endowment to provide a source of operating support for increased research, educational and facilities cost in the new facility.

Funds Available

The City's voters have authorized a $116,690,000 contribution toward the Proposed Project, consisting of the proceeds of general obligation bonds issued pursuant to a $29,245,000 bond measure approved by the voters in 1995 for the improvement of the Aquarium facility (the "1995 Bond Measure) and a $87,445,000 bond measure approved by the voters in 2000 for improvement of the Academy facilities (the "2000 Bond Measure). Future action by the Board of Supervisors will be required prior to the issuance of these bonds.

The State has previously contributed $15 million for the planning and design of the Proposed Project.

The following table summarizes the status of the funds raised by the Academy for the Proposed Project.

CALIFORNIA ACADEMY OF SCIENCES
FUNDS AVAILABLE FOR PROPOSED PROJECT THROUGH MAY 31, 2003

	Full Project Amount	Funds Held By and Pledged to CAS as of 5/31/03
City and County of San Francisco GO Bonds	$116,690,000	$116,690,000
Private Sources:		
Major Gifts -- Individuals, Corporations, and Foundations	106,795,300	76,000,000
Conduit Bond Proceeds (2)	60,000,000	60,000,000
Community Campaign	28,000,000	0
Other Government Funding:		
State of California	24,000,000	24,000,000
Federal Government, e.g., NSF, IMLS, HUD-EDI	35,000,000	4,000,000
Total	**$370,485,300**	**$280,690,000**

(1) Proceeds of 501(c)(3) conduit bonds recently issued by the Academy. These bonds are solely the obligation of the Academy, and not of the City. These funds are available for development costs of the Project, although the Academy intends to raise funds through donations to minimize its reliance on debt financing. The repayment of the conduit bonds is a general obligation of the Academy and will be paid from unrestricted Academy funds, including operating revenues, private donations and investment earnings.

Future Approvals Related to Proposed Project

Additional approvals related to the Proposed Project will be required, including the following:

- Specific approval by the Board of Supervisors will be required prior to issuance of the bonds authorized by the 1995 Bond Measure and the 2000 Bond Measure;
- In accordance with the proposed ordinance establishing construction contracting procedures for the Proposed Project, all construction work to be paid out of the proceeds of bonds issued by the City will be publicly bid, and approved by the Recreation and Parks Commission;
- Prior to the commencement of construction, the Recreation and Parks Commission must approve the Academy's ability to finance the proposed work to completion in accordance with Administrative Code Section 2A.160.

California Academy of Sciences
General Contractor Selection Process

The following summarizes the selection process used by the California Academy of Sciences ("CAS") to select a general contractor for the new Academy project. In reviewing this information, it is important to remember that while a formal RFP, interview and evaluation process was utilized, it was designed to select a contractor whose fees and general conditions would be paid by the Academy with private dollars. No City funds will be used to pay the selected general contractor. As such, the City's selection process was not used. Before this process was undertaken, the Academy had conversations with the City Attorney's Office to confirm that this approach would be acceptable for this mixed – funded project. The Academy reconfirmed with the City Attorney's Office before a final firm was selected.

CAS determined that it was in the best interest of the project to retain a general contractor on a construction management/general contractor at risk basis, with selection occurring at about the time of completion of the schematic design for the project. This approach allows the selected general contractor to provide pre-construction services during the design development and construction documents phases of the design, providing valuable input with respect to cost estimating, scheduling, value engineering and constructability. This approach is widely used for complex private projects, and is gaining increasing acceptance for public projects in many jurisdictions. Most recently, the City of San Francisco adopted this approach for the Laguna Honda Hospital project.

Before issuing the RFP, CAS and its consultants identified and reviewed approximately a dozen general contractor firms considered as potential candidates to respond to a formal RFP. As a result of this review process, three firms were selected to prepare proposals based on their overall size, financial stability, demonstrated capabilities and staff quality: Webcor Builders, Rudolph and Sletten, and Swinerton, Inc.

In May 2002, a formal RFP was sent to these three "short listed" firms. The RFP asked each firm to quote costs for pre-construction services, general conditions (overhead) and fee (profit). As noted above, the scope of the services and related pricing was to be based on the construction management / general contractor-at-risk method of project delivery. Each contractor was asked to provide an estimate of general conditions for the project. These costs are a function of the actual scope of the construction effort and the project schedule. However, at the time the RFP was issued, only early building sketches and preliminary schedule information could be released. Proposals were received and opened in the presence of a Member of the Board of Trustees of the California Academy of Sciences and the Academy's architect representative.

Proposals were received and initially evaluated in late June 2002. After these initial evaluations, additional information was requested to assure an "apples to apples" comparison of the costs quoted. As such, sets of "technical" drawings that more fully described the building (and which were not available when the RFP was released) were sent to each firm with instructions to confirm or restate their general conditions and fee based on the scope of work as illustrated by these drawings. In addition, a standardized form was provided so that general conditions were expressed in a consistent way.

Interviews with each of the proposing general contractors were held in July 2002. At that time, each firm presented their approach to the project with particular focus on their proposed fees, their experience in working with design / executive architect teams on landmark projects, their understanding of the public / private nature of the project's funding, their familiarity with

sustainable design and construction techniques, and the quality of the staff that they would assign to the effort.

Based on all of the criteria outlined in the paragraph above and after the interviews, a firm was selected to provide pre-construction services only. As stated in the RFP, "While it is clearly the intent to establish a relationship that will continue for the entire project, the Academy will reserve the right to change General Contractors at the conclusion of pre-construction if deemed necessary." If the firm successfully makes this transition, the quoted cost for pre-construction would be credited towards the fee as stated in their proposal.

Each of the three firms proposed a total fee within the range of about 2% to 2.3% of cost. Based on the process described above, CAS selected Webcor Builders as the general contractor. CAS and Webcor have entered into a Pre-Construction Services Agreement. Pursuant to that Agreement, Webcor has been playing an active role in the planning of the project and review of design documents. Under the Pre-Construction Services Agreement, should CAS proceed to the construction phase with Webcor, Webcor is committed to a maximum general contractor fee, expressed as a percentage of the total cost of the work, and to its estimate of general conditions costs, as set forth in its proposal.

Selection Process for D.R. Young Associates

Budget Analyst's question - Please provide, in writing, in detail how Mr. Young was selected and provide a detailed budget for Mr. Young's total coordinating costs of $---, including hours and hourly rates.

D. R. Young Associates ("DRYA"), an experienced and highly regarded project management firm, provides development and construction management services to the Academy in connection with the project under a contract which is terminable at any time by CAS. No City funds will be used to pay DRYA. To date, DRYA has been authorized to provide services through design development. The Academy did not engage in a formalized RFP process when it retained DRYA. Our project cost estimate includes a budget for development management services of about 1% of total project cost.

Explanation of Secured Funds

Budget Analyst's question - Please explain, in writing, what funding secured by CAS means. This refers to the $280,690,000.

These funds are either in hand or have been pledged to CAS. All but $7 million of the $76 million in gifts are in hand.

Attachment III
Administrative Code Waivers compared to the provision of the proposed ordinance

Administrative Code, Section 6.21.A.1	**Section 2. Contracting Procedures, C.3**	**Justification**
Requires 10 day published advertising for requests for requests for bids and quotes.	The CAS shall use best efforts to obtain bids for each City Trade Contract from at least three qualified bidders.	The proposed ordinance would allow bidding to be restricted to a limited number of pre-qualified bidders determined by the CAS. The City Trade Contracts are each expected to include very substantial scope of work, and many will involve highly specialized work. Limitation to pre-qualified bidders is critical to successful management of this very complex project. With bidding limited to pre-qualified contractors, publication becomes unnecessary.
Administrative Code, Section 6.21.A.9		**Justification**
All bidders shall designate their subcontractors in accordance with California Subletting and Subcontracting Fair Practices Act. Intent is to protect subcontractors from being replaced by the Primary Contractor once award is given.	No such provision	The main reason for the waiver of this requirement is that it does not apply to the City Trade Contracts because they will be bid directly to the subcontractor community. Normally, when the City is bidding a project, it is bidding to general contractors who are required to list their subcontractors in order to discourage "bid shopping". In this case, however, the City Trade Contracts will be bid and awarded directly to the subcontractors, and will in fact become subcontracts when they are subsequently assigned and novated to the Academy's general contractor. When the City Trade Contracts are viewed as subcontracts, the subcontractor designation process becomes simply inapplicable. The City is awarding directly to the subcontractors.
Administrative Code, Section 6.22.A.	**Section 3. Insurance Requirements**	**Justification**
All bidders shall be required to file payment and performance bonds	The requirements would not apply if the City's Risk Manager and the City Attorney, in their discretion, approve alternative arrangements, including insurance against costs of completing unfulfilled subcontractor obligations.	CAS's general contractor has asked that CAS and the City consider an alternative to traditional performance and payment bonds known as "Subguard Insurance". This is a product, increasingly used in private construction projects, to provide better protection at a lower cost as compared to traditional payment and performance bonds. Rather than each subcontractor providing separate payment and performance bonds

Source: DPW, July 29, 2003.

Attachment III
Administrative Code Waivers compared to the provision of the proposed ordinance

Before the request for proposals is issued, the department head shall determine that a design-build program is necessary or appropriate to achieve anticipated cost savings or time efficiencies, or both, and that such a process is in the public's best interest. The department head shall notify the Board of supervisors of his or her intention to seek design-build and/or finance proposals by generally describing the proposed program and the reasons for it in a letter to the Clerk of the Board	No such provision	Notice to the Board of Supervisors is provided by the proposed ordinance
If the proposed public work project is for the use or benefit of a department that is under the jurisdiction of a commission, then such commission shall first approve the solicitation of design-build and/or finance proposals. If the public work project is not for the use or benefit of a department under the jurisdiction of a commission, then the Mayor must first approve this process.	CAS or its General Contractor, in consultation with the Recreation and Parks Department and the Department of Public Works staff, may issue competitive requests for proposals for City Trades for design-build services for portions of the project.	Recreation and Park Commission would approve the solicitation of the design-build proposal, consistent with Section 6.61..Private financing from design/builders is not required because the CAS will finance the project.
Developers submitting design-build proposals shall offer evidence of qualifications in the field of design and construction of similar projects. The department head may request developers to create partial designs, which will be evaluated as part of the selection process.	CAS and DPW shall establish a panel to evaluate design-builders' proposals and rank the proposals, taking into account the following criteria: (2) qualifications of the developers to design and construct the relevant portions of the proposed Project; (3) evidence of financial capacity, (4) experience on similar projects, (5) quality of any preliminary design proposals, past designs, and/or proprietary designs.	
Developers submitting private financing proposals shall provide evidence of the commitment of funds necessary to privately finance the proposed projects to completion.	No such provision	CAS will provide this evidence when requesting the Board of Supervisors to issuance the General Obligation bonds
Developers shall comply with all applicable requirements set forth in San Francisco Administrative Code Chapters 12B, 12C and	No such provision Design/Builders will be required to meet applicable requirements set forth in San Francisco	

		from separate bonding companies, often at a very high cost, the general contractor obtains a single insurance policy insuring all of the subcontractors on the job against the same risk covered by the payment and performance bonds. The proposed ordinance would allow Subguard Insurance to be used in lieu of payment and performance bonds only if the City's Risk Manager and City Attorney, in their discretion, approve this alternative arrangement. The proposed ordinance is intended to allow the City and CAS to explore a new insurance product not contemplated under the existing Administrative Code.
Administrative Code, Section 12D.A.9	**Section 2. Contracting Procedures. F.**	**Justification**
Establishes the MBE/WBE program which gives MBE/WBE businesses bid/rating discount provisions if qualified	The Executive Director of the Human Rights Commission shall set MBE and WBE subcontracting participation goals for the Project, talking into account the mix of City Funds and Private Funds involved in the Project. The goals may be met by any combination of City Trade Contracts and Private Trade Contracts.	The City Trade Contracts, while awarded directly by the City, will be awarded to subcontractors and will be assigned to CAS's general contractor who will administer them as subcontracts. Bid discounts do not apply to subcontractors, only to prime contractors. The Project has committed to overall subcontracting participation goals pursuant to San Francisco Administrative Code Chapter 12 The proposed ordinance clarifies that the City Trade Contracts should be treated as subcontracts and will be utilized to fulfill MBE and WBE goals.
Administrative Code, Section 2A.160	**Section 3. Insurance Requirements**	**Justification**
The Board of Supervisors shall by ordinance prescribe insurance requirements for Academy construction projects	Insurance and bond requirements for the GC, the City Trade Contracts, and Private Trade Contracts, as well as for design professionals working on the Project, shall be subject to review and approval by the City's Risk Manager	Preference for delegation of this authority due to timing concerns.
Administrative Code, Section 6.61. Design-Build	**Section 2.D File No. 03-1194**	**Justification**

Source: DPW, July 29, 2003.

Attachment III
Administrative Code Waivers compared to the provision of the proposed ordinance

12D.A. The request for proposals shall require developers to demonstrate good faith efforts to utilize MBE and WBE subcontractors/ subconsultants pursuant to San Francisco Administrative Code Chapter 12D.A.	Administrative Code Chapters 12B, 12C and 12D.A as indicated in Section 2,D2, item 6. 6) compliance with the goals and requirements of Administrative Code Chapters 12B, 12C and 12D.A;	
The department head shall evaluate developers' proposals to rank the proposals to determine which provides the best overall value to the City and County in regard to the following criteria: (1) plan for expediency in completing the proposed project; (2) lifecycle cost to the City and County; (3) qualifications of the developers to design-build and, if applicable, finance the proposed project; (4) qualifications of the developers to construct the proposed project; (5) quality of design proposal; (6) compliance with the goals and requirements of Administrative Code Chapters 12B, 12C, and 12D.A; (7) commitment to meet the City hiring goals (e.g., welfare-to-work); (8) if private financing is sought, commitment of funds, cost of funds and terms to the City; and (9) compliance with all the requirements and criteria established by the Department head in the request for proposals.	CAS and the DPW would establish a panel to evaluate design-builders; proposals and rank the proposal, taking into account the following criteria: (1) cost of the design-build services which would be weighted at least sixty percent (60%); (2) qualifications of the developers to design and construct the relevant portions of the proposed Project; (3) evidence of financial capacity, (4) experience on similar projects; (5) quality of any preliminary design proposals, past designs; (6) compliance with the goals and requirements of Administrative Code Chapters 12B, 12C and 12D.A; (7) lifecycle cost of the relevant portions of the Project; and (8) compliance with all the requirements and criteria established in the request for proposals.	
Subject to paragraph (I) below, the department head is authorized to negotiate all proposed contracts necessary or appropriate for the proposed project with the highest ranked developer. If the department head determines that contract negotiations with the highest-ranked developer are not proceeding satisfactorily, the department head may terminate such negotiations and enter into negotiations with the next-highest-ranked developer. If the department head deems a contract to have successfully been negotiated with	The Recreation and Parks Commission may award design-build City Trade Contracts to the design-builders submitting the highest ranked proposals.	With respect to the Dept. head's authorization to negotiate contracts, we do not expect any significant negotiations to take place because the RFQ/RFP will include the terms of the contract that the contractor will be expected to sign. When a design-build contractor submits its proposal, it will accept the terms of the contract, thus eliminating the need for negotiations.

a developer, the department head may then recommend such proposed contract to the Board of Supervisors for approval. The City shall retain the absolute discretion to determine not to proceed with any proposed project, which right may be exercised without liability to developers for costs incurred during the entire proposal and negotiation process, and such rights shall be reserved in all requests for proposals.		
All final contracts for a public work project that involve a design-build and/or finance program shall be subject to approval of the Board of Supervisors by resolution. If the proposed contract involves a financing program, the Capital Improvement Advisory Committee must review and report on the proposed project before the Board of Supervisors consider the proposed resolution concerning the project.	No such provision The proposed ordinance would delegate approval of the final contracts to the RPD Commission, which is also responsible, under the Administrative Code, to review and approve the project's financing plan prior to the issuance of the general obligation bonds.	

Source: DPW, July 29, 2003.

1. Explain why is it necessary to waive Section 6.21.A9 of the San Francisco Administrative Code for this project.

Administrative Code Section 6.21.A9 generally requires bidders for City construction contracts to designate the subcontractors performing more than one-half percent of the prime contractor's bid, in accordance with the applicable provisions of the California Public Contract Code. The proposed Contracting Ordinance would waive this requirement as to the bidding of the "City Trade Contracts" (as defined in the proposed Contracting Ordinance) for the Academy.

The main reason for the waiver of this requirement is that the City Trade Contracts will be bid directly to the subcontractor community. Normally, when the City is bidding a project, it is bidding to general contractors who are required to list their subcontractors in order to discourage "bid shopping". In this case, however, the City Trade Contracts will be bid and awarded directly to the subcontractor community, and will in fact become subcontracts when they are subsequently assigned and novated to the Academy's general contractor. Thus, with respect to first tier subcontractors, the subcontractor designation process is simply inapplicable.

The total budget for the hard cost for the building exceeds $140 million. Thus, if the entire Project was being bid to general contractors, as envisioned in Section 6.21.A9, only subcontractors with subcontracts valued in excess of $700,000 (.5% of $140 million) would be required to be designated. The City Trade Contracts are expected to be awarded to major trades, such as concrete and structural steel, and few, if any, lower tier subcontracts of that magnitude are expected.

Finally, the Academy's general contractor will be administering subcontracts that are bid both publicly and privately. Privately bid subcontracts will not be subject to a formal subcontractor designation requirement. The waiver of Section 6.21.A9 allows the Academy's general contractor to manage its subcontractors in a consistent fashion.

2. What type of controls would exist on this Project to make sure that if the Academy is not able to raise all funds during construction, the City would not be expected to pick up the cost to finish the Project?

Construction of the Project will not commence until both the Academy and the City are satisfied that financing is in place to assure completion of construction of the Project. While the Academy expects to start demolition and abatement work in the third quarter of next year, the final decision to proceed will not be made until a complete financing package is in place. As indicated in the information package the Academy previously submitted, it is the Academy's plan to provide all or the great majority of its share of Project costs through private donations. It has also issued $60 million in private 501(c)(3) conduit bonds, which are the sole obligation of the Academy, to provide a backstop. Another round of conduit bond financing may also be implemented prior to the commencement of construction. It is the Academy's intention to minimize its reliance on debt financing to fund budgeted costs, but also to have the debt financing available should the need arise.

The City will review and approve the final financing plan prior to the issuance of the general obligation bonds. San Francisco Administrative Code Section 2.A.160 specifically

Source: California Academy of Sciences

requires Recreation and Parks Commission approval, prior to the commencement of construction, of the Academy's ability to finance the work to completion. In addition, Board of Supervisors approval will be required prior to the issuance of the bonds. The Academy is very cognizant of its obligation to provide a complete financing package which assures the City that it will not be "left holding the bag", and plans to more completely address this issue in the subsequent approvals discussed above.

3. If the City wanted to make additional financial contributions, beyond the Bond Funds, how would the City justify paying the contractor's fee when he is selected through a non-competitive public process?

The general contractor will have no right to look to the City for payment of its fees. Its contract will be solely with the Academy, and its fees will be paid solely from non-City Funds.

Should the City want to make additional financial contributions to the Project, there are many other costs to which it could contribute. Given the long construction period, there are many costs for which the Academy will not contract for several years, and which could be procured through the process described in the Contracting Ordinance or through the City's typical procurement process.

Source: California Academy of Sciences

Campaign for the New Academy
Government Income Goal

The Academy has a long history of receiving federal grants for original scientific research, expanded science education, and preservation/safeguarding of its scientific research collections, which are considered a national resource by scientists, scholars, and students from around the world. The Academy will use this foundation as a basis for raising the additional $31 million from government sources for the proposed project. All avenues for this goal will be sought. The income is expected from a variety of sources, and may include the following:

- Urban Parks and Cultural and Historic grants from the State of California
- Funding will be sought from National Science Foundation Biological Resource Collections for specimen storage and compactors
- Funding will be sought from NASA toward the Planetarium and astronomy exhibits for the new building
- Funding will be sought from the Department of Energy to support the green building programs
- Federal funding from the Economic Development Initiative (HUD/VA) is being sought for capital improvements
- Additional federal funding will be sought from the National Science Foundation Informal Science and NOAA
- Additional funding will be sought from the Institute of Museum and Library Services
- Funding will be sought from the Strategic Environmental Project (federal) as a green building project
- Funding will be sought from the Integrated Waste Management Board for part of the green building aspects

State and Federal Funds Already Secured

On the federal side, we have secured $4 million in Federal Funds from the following sources $2.5 million from National Science Foundation Informal Science Education ; $1 million of Labor HHS education appropriation and $800,000 National Marine Sanctuaries program. The State money $24 million secured includes $5 million from the 2000 State budget surplus ; $10 million from State Proposition 10 in 2000, $4 million in local assistance grant from Governor Davis and $5 million from Proposition 40 funds directed through the Recreation and Park department.

[Budget Analyst Report]
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CITY AND COUNTY OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

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TO: Land Use Committee

FROM: Budget Analyst

SUBJECT: August 25, 2003 Land Use Committee Meeting

Item 1- File 03-1194

Note: This report reflects the Amendment of the Whole which the Land Use Committee adopted on August 18, 2003.

Department: Recreation and Park Department (RPD)
California Academy of Sciences (CAS)

Item: Ordinance authorizing the Recreation and Park Commission to award contracts for construction and/or design/build services in connection with the reconstruction of the California Academy of Sciences.

Background: The California Academy of Sciences (CAS) is a nonprofit organization that manages and controls the buildings and improvements in Golden Gate Park, including the Steinhart Aquarium, Morrison Planetarium and the Natural History Museum, as well as a research institution and educational facilities, which are collectively referred to as the Academy Facility.

Attachment I, provided by Ms. Alison Brown of the CAS, describes the scope of the proposed Project that would demolish 11 of the existing 12 buildings located in Golden Gate Park that comprise the Academy Facility, and

construct a new building that would house the Academy's facilities in one structure. The one building that would not be demolished is the Africa Hall because the Africa Hall is in relatively good physical condition and will provide a visually prominent link to the old facility, according to Ms. Brown. Attachment I also includes a Project schedule, the planned temporary facilities, the selected architects, and the estimated cost and the sources of the funds for the proposed Project.

As noted in Attachment I, it is estimated that demolition work for the Project would begin in October of 2004 and that the Project would be completed by July of 2008. As noted in Attachment I, the total estimated project cost is $370,485,300.

Description:

The proposed ordinance would authorize new construction contracting procedures that would govern only the rebuild of the Academy Facility. These new construction contracting procedures would authorize:

- The Recreation and Park Commission to take all necessary steps to procure contract design and/or construction services for the Project. Under the current contracting procedure, the Recreation and Park Commission would award construction contracts through a low bid selection process and would award design/build contractors through the design/build selection process. Under the design/build process, the Department uses a Request for Proposal (RFP). However, this ordinance would allow the Recreation and Park Commission and CAS to conduct a pre-qualification process for construction contractors in each trade required for the Project. After the pre-qualification list is developed, the CAS could select from the pre-qualification list, following approval of the Recreation and Park Commission for those contracts that will receive City funds.
- For all work not funded by City funds[1], CAS and its General Contractor would solicit and award any subcontracts for labor, equipment, materials and supplies on whatever basis CAS and its General

[1] City funds include the General Obligation bonds approved by the voters in Proposition C in 1995 ($29,245,000) and Proposition B in 2000 ($87,445,000), and would include any other funds that the City makes available for the Project, subject to appropriation approval by the Board of Supervisors.

Contractor determine to be in the best interest of the Project.

- For all contracts funded in any part by City funds, the following Administrative Code Sections would be waived: (1) 6.21.A.1 which requires 10 day published advertising for requests for bids and quotes but requires that CAS advertise requests for qualifications in at least one local newspaper of general circulation 10 days prior to issuance of bid documents, (2) Section 6.21.A.9 which requires that bidders designate their subcontractors in accordance with the California Subletting and Subcontracting Fair Practices Act (State of California Public Contracts Code §4100 *et seq.*); (3) Section 6.22.A which requires that all bidders file payment and performance bonds, (4) Section 12D.A.9 which established preference for bidders for prime contracts as part of the City's MBE/WBE program, (5) Section 2A.160 which requires the Board of Supervisors to adopt insurance requirements for Academy construction projects; and (6) Section 6.61 which establishes the conditions under which department heads are authorized to enter into "design build construction" contracts.

Budget: According to Ms. Brown, the Project is estimated to cost $370,485,300 as shown in the table below:

Expenditures	Estimated Amount
Construction	$300,485,300
Temporary facilities and transitional expenses	30,000,000
Direct project costs (see Attachment I, pg. 3)	20,000,000
Increased endowment (see Attachment I, pg. 3)	20,000,000
TOTAL:	$370,485,300

The total estimated Project costs of $370,485,300 would be funded as follows:

Funding Source	Amount	Funding Identified or Realized by CAS
City Sources:		
General Obligation Bonds – 1995		
2000	$29,245,000	
Subject to Board of Supervisor	87,445,000	
appropriation approval	$116,690,000	$116,690,000
Private Sources:		
Gifts	106,795,300	76,000,000
Previously Issued Conduit Bonds[2]	60,000,000	60,000,000
Community Campaign	28,000,000	0
Other Government Funding:		
State of California	24,000,000	24,000,000
Federal Government	35,000,000	4,000,000
State and Federal Funds	$59,000,000	$28,000,000
TOTAL:	$370,485,300	$280,690,000

As shown in the table above, of the approximately $370,485,300 required, CAS has identified $280,690,000 or approximately 75.8 percent of the required funds. CAS intends to obtain the remaining $89,795,300 or approximately 24.2 percent of the total project costs with private donations, CAS conduit bonds, and with additional State and Federal Funds. However, specific funding sources for the $89,795,300 has not yet been identified.

Comments:

1. In 1995, San Francisco voters approved Proposition C that authorized $29,245,000 in General Obligation bonds for Steinhart Aquarium Improvements, and in 2000 voters approved Proposition B that authorized $87,445,000 in General Obligation bonds for overall

[2] Conduit bonds are low interest tax exempt bonds for construction and acquisition which are issued through State or local government agencies for nonprofit organizations that are exempt from federal taxes under Section 501-(c)(3).

improvements of the California Academy of Sciences, for a total of $116,690,000 in bonds. According to Ms. Brown, to date, the CAS has not requested that any of the $116,690,000 in bond funds be appropriated by the Board of Supervisors.

As described in Attachment I, CAS intends to rebuild the Academy Facility to repair earthquake damage, meet seismic standards, and modernize and enhance the Academy Facility for an estimated total Project Cost of $370,485,300. The $116,690,000 of General Obligation bonds would fund approximately 31.5 percent of the $370,485,300 total Project Cost. The issuance and appropriation of all of the General Obligation bond funds would require subsequent approval by the Board of Supervisors.

2. According to Ms. Brown, CAS would have overall responsibility for the Project, and would enter into all Project-related contracts, including the primary construction contract. Ms. Brown notes that the Charter provides CAS with the management responsibilities for the Academy Facility. Ms. Brown advises that the DPW, in conjunction with the Recreation and Park Department, would provide fiduciary oversight, assistance and coordination in the expenditure of the $116,690,000 of City funds for the Project, and would provide review of construction budgets, schedules and other Project documents for the entire Project. CAS intends to use only private funds to pay for the Primary Contractor, as Construction Manger-At-Risk (CM-at-Risk) for the Project. Ms. Brown states that the $116,690,000 of City funds would be used for construction subcontractors assigned to the CM-at-Risk. Ms. Brown estimates that the cost of subcontractors for the Project should substantially exceed $116,690,000, with the balance to be paid from private, Federal and State funding sources.

3 According to Mr. Donald Young, a private consultant who is CAS's Project Manager, rather than CAS awarding multiple prime contracts for construction of different portions of the Project and being responsible for coordinating work among the various prime contractors, the CAS will award only a single contract with a

Construction Manager (CM)-at-Risk. The Budget Analyst requested that CAS provide a description, in detail, of how Mr. Young was selected and provide a detailed budget for Mr. Young's total coordinating costs, including hours and hourly rates. As of the writing of this report, CAS did not provide such details to the Budget Analyst. However, as stated in Attachment II provided by Ms. Brown, CAS will not use City funds to compensate Mr. Young.

Using the CM-at-Risk approach, the Construction Management Services contractor would prepare and update construction schedules, conduct contract administration and logistics planning. The CM-at-Risk would provide services similar to a General Contractor, including management services, conducting the selection process for construction subcontractors and suppliers, and entering into subcontracts for construction and suppliers, instead of the CAS itself handling such responsibility. The CM-at-Risk would also be responsible for phasing the work for the project, managing the subcontracts and guaranteeing the maximum price and deadlines for the work performed. Under the proposed CM-at-Risk contract for the Project, the CM-at-Risk would serve as the sole Prime Contractor and would agree to a Guaranteed Maximum Price (GMP) for all of the professional services to be performed by the CM-at-Risk and for all of the construction work to be performed by all of the subcontractors of the CM-at-Risk. In summary, there would be one Prime Contractor, the CM-at-Risk, and all other contractors and subcontractors for the project would be subcontracted to the CM-at-Risk.

Attachment II to this report, provided by Ms. Brown, details the selection process CAS conducted to select the CM-at-Risk in May of 2002. Ms. Brown advises, and as stated in Attachment II, "no City funds will be used to pay the selected general contractor". Therefore, according to Ms. Brown, CAS did not follow the City's selection process. CAS did not advertise the Request for Proposals (RFP) but rather invited three General Contractors, Webcor Builders, Rudolph and Stetten, and Swinerton, Inc. to respond to the RFP based on a review process. Ms. Brown advises that based on the criteria detailed in

Attachment II, CAS selected Webcor Builders as the General Contractor, CM-at-Risk. As of the writing of this report, CAS did not provide the bid amounts or the amount of the award to Webcor Builders and did not provide the reason for failing to provide such information. According to Ms. Brown, Webcor Builders is currently under contract only for pre-construction services and will not be compensated with City funds.

The City has previously utilized the CM-at-Risk approach for the Laguna Honda Replacement and the San Bruno Jail projects.

4. The proposed ordinance would waive Administrative Code Sections 6.21.A.1, 6.21.A.9, 6.22.A, 12D.A.9, 2A.160 and 6.61. Attachment III to this report, compiled by Mr. Edgar Lopez of DPW in coordination with Mr. George Wong of the City Attorney's Office, compares the provisions that the proposed subject ordinance would waive to the provisions provided for in the subject proposed ordinance. Attachment III also summarizes CAS's justification for requesting these waivers.

The Budget Analyst has reviewed the explanation of the proposed waivers and CAS's justification for requesting such waivers as detailed in Attachment III. The Budget Analyst questions the following two justifications:

(1) The proposed ordinance would waive Section 2.A.160 of the Administrative Code which states that the Board of Supervisors by ordinance shall prescribe insurance requirements for Academy construction projects. Mr. O'Brien advises that this Administrative Code provision is unique to CAS. For capital projects of City departments', the insurance requirements are set by the City's Risk Manager. The proposed ordinance, if approved by the Board of Supervisors, would authorize the City's Risk Manager to approve the Project's insurance requirements, without further approval by the Board of Supervisors. According to Mr. Young, this waiver is requested because CAS believes the City's Risk Manager could more quickly and effectively determine insurance requirements for the Project without requiring additional Board of Supervisors

approval. The Budget Analyst considers approval of this proposed waiver to be a policy decision for the Board of Supervisors.

(2) The proposed ordinance would waive Section 6.61 that establishes the Design-Build requirements for construction projects, as described in Attachment III. The Budget Analyst notes that waiving Section 6.61 would waive the requirement that the Board of Supervisors approve all Design-Build contracts. According to Mr. O'Brien, the proposed ordinance instead allows the Recreation and Park Commission to approve contracts that would use City General Obligation bond funds, without further approval by the Board of Supervisors. Mr. O'Brien states that the Recreation and Park Commission would be familiar with the overall Project and would expedite the approval of contracts on a more timely basis if the Board of Supervisors approval were not required. The Budget Analyst considers this proposed waiver of Board of Supervisors approval to be a policy matter for the Board of Supervisors.

5. In response to the Budget Analyst questions regarding whether the proposed ordinance would allow for an appeals process for unsuccessful respondents, CAS submitted an Amendment of the Whole to the Land Use Committee on August 18, 2003 which provides for an appeals process. The proposed ordinance assigns the Recreation and Park Commission with the authority to determine any protests or appeals. Mr. Wong advises that this appeals process provides the same opportunity for appeal of the RFP process as is available to all respondents to RFPs issued by City departments.

6. The Budget Analyst notes that pursuant to Charter Section 9.118, any contract, other than construction contracts, above $10,000,000 or with a term 10 years or longer would still require approval by the Board of Supervisors despite the waiver of Section 6.61, which requires the Board of Supervisors to approve all design/build contracts (see Comment No. 4(2)). Design-build contracts are not treated as construction contracts and therefore would be subject to Charter Section 9.118.

However, the Amendment of the Whole, adopted by the Land Use Committee on August 18, 2003, includes a provision that the Board of Supervisors, by approving the subject ordinance, would also approve selection of design-build contractors for the Aquarium acrylic and life support systems with may cost more than $10,000,000 according to Mr. Young, to be selected at a later date by the Recreation and Park Commission. According to Mr. Young, CAS does not currently expect that any other design-build contracts would be awarded that would cost more than $10,000,000 or have a contract term projected to extend beyond 10 years. This amendment would therefore meet the requirements of Charter Section 9.118. The Budget Analyst notes that should the Board of Supervisors approve the proposed ordinance, the Board of Supervisors would delegate its approval authority to the Recreation and Parks Commission for all City funded contracts for the Project.

7. As previously noted, CAS has not yet identified specific funding sources for $89,795,300 or approximately 24.2 percent of the estimated total Project costs of $370,485,300. Attachment IV, provided by Ms. Brown, responds to the Budget Analyst's concerns regarding the type of controls that would protect the City's funds in the event that CAS is not able to obtain the funds needed, including private funds and Federal funds to complete the Project. As stated in Attachment IV, "Construction of the Project will not commence until both the Academy [CAS] and the City are satisfied that financing is in place to assure completion of the construction of the Project." Ms. Brown further notes that the Board of Supervisors would have an opportunity to review and approve CAS's final financing plan for the Project prior to the appropriation of the General Obligation Bonds. CAS anticipates seeking Board of Supervisor approval to appropriate the General Obligation bonds in the spring of 2004.

Attachment V to this report, provided by Ms. Brown, describes the sources of State and Federal funds in the amount of $28,000,000 ($4,000,000 Federal Funds and $24,000,000 in State Funds) that CAS has already identified and an explanation of how the CAS plans to raise the additional $31,000,000 in State and Federal

funds for the Project. According to Ms. Brown, CAS will raise an additional $58,795,300 in private donations to realize the total additional $89,795,300 needed for the Project ($31,000,000 plus $58,793,300 equals $89,795,300).

8. As previously noted, the Budget Analyst requested that CAS provide (a) a description, in detail, of how the CAS Project Manager, Mr. Young, was selected and (b) a detailed budget for Mr. Young's total costs, including hours and hourly rates. The Budget Analyst also requested the bid amounts of the three respondents to CAS's RFP for the Construction Manager (CM)-at-Risk and the amount of the award to Webcor Builders. As of the writing of this report, CAS has not provided such details to the Budget Analyst. However, as stated in Attachment II provided by Ms. Brown, CAS will not use City funds to compensate Mr. Young or Webcor Builders.

Policy Decisions:

1. Deletion of the waiver of Section 2.A.160 of the Administrative Code, which presently requires Board of Supervisors approval for prescribing insurance requirements for Academy construction projects, is a policy matter for the Board of Supervisors (see Comment No. 4(1) above).

2. Deletion of the waiver of the provision of Section 6.61 that requires that the Board of Supervisors approve all Design-Build contracts, is a policy decision by the Board of Supervisors (see Comment No. 4(2) above).

3. Approval of the proposed ordinance is a policy matter for the Board of Supervisors.

Harvey M. Rose

cc: Supervisor McGoldrick
Supervisor Maxwell
Supervisor Ammiano
Clerk of the Board
Controller
Ben Rosenfield
Ted Lakey

CALIFORNIA ACADEMY OF SCIENCES
INFORMATION ON THE PROPOSED PROJECT

PROPOSED PROJECT AND SCHEDULE

General

As currently contemplated, the Proposed Project will entail substantial new construction and renovations, the demolition of eleven existing buildings totaling approximately 311,400 gross square feet, the substantial renovation of one building, African Hall, and an overall increase in floor space and a consolidation of exhibit spaces, resulting in a reduction in the overall footprint of the Academy's facilities.

As contemplated, the Proposed Project will include four principal buildings, two large spherical exhibit spaces, and the rebuilt Aquarium entry structure, all organized around a central courtyard and enclosed under a single roof. Africa Hall, which is in relatively good physical condition, will be restored in place, and North American Hall will be rebuilt in a manner consistent with the classical proportions of Africa Hall. The curving roof structure over the Planetarium, Aquarium, and other exhibition spaces, covered with native plants, will appear as "hills" in the roofline. The Proposed Project will be landscaped to re-establish its connection to Golden Gate Park and will consist of five floors, two below grade and three above. The Proposed Project will include a main lobby and courtyard, new exhibit spaces, an auditorium, classrooms, collections, laboratories, research and administration space, restaurant and lunch room areas, a loading dock, approximately 15 service vehicle spaces and other museum-related spaces.

All of the facilities of the Academy that do not meet current seismic standards will be replaced or will undergo seismic renovation as a part of the Proposed Project. The Proposed Project will be built to conform to all current applicable codes adopted by the State with San Francisco amendments.

Proposed Project Schedule

Construction of the Proposed Project is scheduled to commence with demolition and abatement work in October 2004, with substantial completion of the building in July 2007, followed by installation of exhibits, and a reopening to the public in July 2008. The Academy has determined that it will be safer, more convenient for visitors and members, and substantially more cost-efficient to close the existing Academy during the reconstruction period. The Academy is expected to close in December 2003 and to reopen within about four and one-half years, following a move-in period. During the reconstruction period, the Academy will relocate to temporary facilities in San Francisco, as discussed below. The estimated schedule is, of course, subject to change.

CALIFORNIA ACADEMY OF SCIENCES
ESTIMATED CONSTRUCTION SCHEDULE
FOR THE PROPOSED PROJECT

Event	Estimated Completion Dates
Design	February 2004
Demolition and Abatement	October 2004
Excavation/Groundbreaking	June 2005
Substantial Completion of Construction	July 2007
Substantial Completion of Exhibits	April 2008
Re-opening of Academy	July 2008

Prepared by the California Academy of Sciences
August 12, 2003

Temporary Facilities

During the reconstruction period, the Academy will relocate to a temporary home at 875 Howard Street in San Francisco. The Academy has surveyed its membership base to determine which programs are most crucial to maintaining interest in the Academy during the period of expected closure. The Academy has also studied strategies undertaken and the results achieved by comparable institutions, such as the American Museum of Natural History, during prolonged periods of closure. Based on the results of these studies, the Academy has determined to use its temporary facility to display fish and other living creatures currently on display at the Aquarium. The temporary facility may also be used to give visitors a "behind-the-scenes" look at how the Aquarium functions. During the period of expected closure, the Academy will also present educational outreach programs throughout the Bay Area.

The Academy has leased property, located at 875 Howard Street in the City, to be the site of interim facilities for the Academy during the reconstruction period. The Academy expects to move into this temporary location by the end of 2003. The temporary facilities at 875 Howard Street are expected to house all of the Academy's administrative offices and exhibition spaces during the reconstruction period.

Proposed Project Components

The planned major components of the Proposed Project are described below.

Exhibition Spaces. Unlike traditional museum exhibition organization – with separate halls devoted to single geographic areas or individual disciplines – the Proposed Project would feature flexible, integrated exhibition spaces that reflect the interconnections of the living world and the multidisciplinary nature of science. The Academy expects that by maintaining flexibility in its exhibit spaces, it will be able to offer new exhibits more frequently than in the past and thereby avoid declining attendance as public interest in static exhibits wanes over time.

One of the Aquarium's distinctive new exhibits would be a 20-foot deep, 225,000-gallon living Philippine coral reef habitat. Another dramatic, multi-level exhibition space would represent four rainforests, with the sights, sounds and organisms particular to each locale. Visitors to the rainforest exhibit could take a vertical journey through the different rainforest zones, from the forest floor to the upper canopy (containing a live butterfly exhibit), seeing the unique insects, plants, reptiles and amphibians that live in these vital habitats. The current Planetarium is expected to be replaced with a state-of-the-art digital planetarium in which visitors could take virtual tours of outer space. In keeping with the Academy's focus on flexibility in exhibits, the new Planetarium is expected to feature a digital projector capable of producing a variety of different programs.

Environmental Sensitivity. With its "green" architecture and environmentally-sensitive design, the Proposed Project would be an expression of the Academy's mission to understand and protect the natural world. The new Academy buildings would be designed with the goal of achieving the highest Leadership in Energy and Environmental Design (LEED) rating given by the United States Green Building Council. To achieve a high LEED rating, the design and construction practices used throughout the Proposed Project must significantly reduce or eliminate the negative impact that the Academy has on the environment. The LEED rating system focuses on sustainable site planning, water efficiency, energy efficiency, conservation of materials and resources, and indoor environmental quality.

Educational Components. The Proposed Project would provide enhanced exhibition and research areas as well as educational programs and visitor services. A new Naturalist Center would enable visitors to engage in hands-on activities in labs and classrooms, and a significantly enlarged early

childhood education center would offer interactive learning for children under six. A new auditorium and modernized classrooms and labs would allow the Academy to meet the growing demand for science-based learning opportunities for children and students. Research labs and collection areas will be expanded in the Proposed Project and modernized to increase collaboration and access to the Academy's extensive specimens collections that are ranked among the world's largest and provide essential tools for comparative studies in biodiversity. Plans for the new facility will accommodate more than fifty years of collection growth to enable continued expansion of the Academy's collections. A critical part of the Academy's mission is sharing the excitement of scientific exploration and discovery. With the Proposed Project, visitors would have increased access to the Academy's research and collection areas. Views into the modernized research labs and diverse collections would allow visitors to look behind the scenes and see the Academy's scientific work as it takes place.

Architects

The architects for the Proposed Project are Renzo Piano Building Workshop of Italy (the "Workshop") and Gordon H. Chong and Partners of San Francisco ("Chong and Partners") (together, the "Architects"). The Architects are responsible for the architectural and engineering design and documentation of the Proposed Project. The Workshop was founded by Renzo Piano. Mr. Piano is a 1964 graduate of the school of Architecture, Milan Polytechnic, and was awarded the prestigious Pritzker Prize in 1998. The Workshop has offices in Genoa, Italy and Paris, France. Recent projects of the Workshop include the Menil Museum and its Cy Twombly addition in Houston, the Beyeler Museum in Basel, Switzerland, the Kansai Air Terminal in Osaka Bay, Japan and the Potsdamer Platz reconstruction in Berlin, Germany.

Chong and Partners was established in 1976 by Gordon Chong. Recent clients include Stanford University, the University of California, Laguna Honda Hospital and the Jewish Museum of San Francisco.

PLAN OF FINANCE AND FUTURE APPROVALS

Estimated Costs of Proposed Project

The Proposed Project is estimated to cost a total of approximately $370 million -- approximately $300 million for construction of the new facility and exhibits, approximately $30 million for the temporary facility and transitional expenses, approximately $20 million for direct project costs (such as fund raising, internal project management, external accountants, media campaign and legal costs) and $20 million for a planned increase in the endowment to provide a source of operating support for increased research, educational and facilities cost in the new facility.

Funds Available

The City's voters have authorized a $116,690,000 contribution toward the Proposed Project, consisting of the proceeds of general obligation bonds issued pursuant to a $29,245,000 bond measure approved by the voters in 1995 for the improvement of the Aquarium facility (the "1995 Bond Measure) and a $87,445,000 bond measure approved by the voters in 2000 for improvement of the Academy facilities (the "2000 Bond Measure). Future action by the Board of Supervisors will be required prior to the issuance of these bonds.

The State has previously contributed $15 million for the planning and design of the Proposed Project.

The following table summarizes the status of the funds raised by the Academy for the Proposed Project.

CALIFORNIA ACADEMY OF SCIENCES
FUNDS AVAILABLE FOR PROPOSED PROJECT THROUGH MAY 31, 2003

	Full Project Amount	Funds Held By and Pledged to CAS as of 5/31/03
City and County of San Francisco GO Bonds	$116,690,000	$116,690,000
Private Sources:		
Major Gifts -- Individuals, Corporations, and Foundations	106,795,300	76,000,000
Conduit Bond Proceeds (2)	60,000,000	60,000,000
Community Campaign	28,000,000	0
Other Government Funding:		
State of California	24,000,000	24,000,000
Federal Government, e.g., NSF, IMLS, HUD-EDI	35,000,000	4,000,000
Total	**$370,485,300**	**$280,690,000**

(1) Proceeds of 501(c)(3) conduit bonds recently issued by the Academy. These bonds are solely the obligation of the Academy, and not of the City. These funds are available for development costs of the Project, although the Academy intends to raise funds through donations to minimize its reliance on debt financing. The repayment of the conduit bonds is a general obligation of the Academy and will be paid from unrestricted Academy funds, including operating revenues, private donations and investment earnings.

Future Approvals Related to Proposed Project

Additional approvals related to the Proposed Project will be required, including the following:

- Specific approval by the Board of Supervisors will be required prior to issuance of the bonds authorized by the 1995 Bond Measure and the 2000 Bond Measure;
- In accordance with the proposed ordinance establishing construction contracting procedures for the Proposed Project, all construction work to be paid out of the proceeds of bonds issued by the City will be publicly bid, and approved by the Recreation and Parks Commission;
- Prior to the commencement of construction, the Recreation and Parks Commission must approve the Academy's ability to finance the proposed work to completion in accordance with Administrative Code Section 2A.160.

California Academy of Sciences
General Contractor Selection Process

The following summarizes the selection process used by the California Academy of Sciences ("CAS") to select a general contractor for the new Academy project. In reviewing this information, it is important to remember that while a formal RFP, interview and evaluation process was utilized, it was designed to select a contractor whose fees and general conditions would be paid by the Academy with private dollars. No City funds will be used to pay the selected general contractor. As such, the City's selection process was not used. Before this process was undertaken, the Academy had conversations with the City Attorney's Office to confirm that this approach would be acceptable for this mixed – funded project. The Academy reconfirmed with the City Attorney's Office before a final firm was selected.

CAS determined that it was in the best interest of the project to retain a general contractor on a construction management/general contractor at risk basis, with selection occurring at about the time of completion of the schematic design for the project. This approach allows the selected general contractor to provide pre-construction services during the design development and construction documents phases of the design, providing valuable input with respect to cost estimating, scheduling, value engineering and constructability. This approach is widely used for complex private projects, and is gaining increasing acceptance for public projects in many jurisdictions. Most recently, the City of San Francisco adopted this approach for the Laguna Honda Hospital project.

Before issuing the RFP, CAS and its consultants identified and reviewed approximately a dozen general contractor firms considered as potential candidates to respond to a formal RFP. As a result of this review process, three firms were selected to prepare proposals based on their overall size, financial stability, demonstrated capabilities and staff quality: Webcor Builders, Rudolph and Sletten, and Swinerton, Inc.

In May 2002, a formal RFP was sent to these three "short listed" firms. The RFP asked each firm to quote costs for pre-construction services, general conditions (overhead) and fee (profit). As noted above, the scope of the services and related pricing was to be based on the construction management / general contractor-at-risk method of project delivery. Each contractor was asked to provide an estimate of general conditions for the project. These costs are a function of the actual scope of the construction effort and the project schedule. However, at the time the RFP was issued, only early building sketches and preliminary schedule information could be released. Proposals were received and opened in the presence of a Member of the Board of Trustees of the California Academy of Sciences and the Academy's architect representative.

Proposals were received and initially evaluated in late June 2002. After these initial evaluations, additional information was requested to assure an "apples to apples" comparison of the costs quoted. As such, sets of "technical" drawings that more fully described the building (and which were not available when the RFP was released) were sent to each firm with instructions to confirm or restate their general conditions and fee based on the scope of work as illustrated by these drawings. In addition, a standardized form was provided so that general conditions were expressed in a consistent way.

Interviews with each of the proposing general contractors were held in July 2002. At that time, each firm presented their approach to the project with particular focus on their proposed fees, their experience in working with design / executive architect teams on landmark projects, their understanding of the public / private nature of the project's funding, their familiarity with

sustainable design and construction techniques, and the quality of the staff that they would assign to the effort.

Based on all of the criteria outlined in the paragraph above and after the interviews, a firm was selected to provide pre-construction services only. As stated in the RFP, "While it is clearly the intent to establish a relationship that will continue for the entire project, the Academy will reserve the right to change General Contractors at the conclusion of pre-construction if deemed necessary." If the firm successfully makes this transition, the quoted cost for pre-construction would be credited towards the fee as stated in their proposal.

Each of the three firms proposed a total fee within the range of about 2% to 2.3% of cost. Based on the process described above, CAS selected Webcor Builders as the general contractor. CAS and Webcor have entered into a Pre-Construction Services Agreement. Pursuant to that Agreement, Webcor has been playing an active role in the planning of the project and review of design documents. Under the Pre-Construction Services Agreement, should CAS proceed to the construction phase with Webcor, Webcor is committed to a maximum general contractor fee, expressed as a percentage of the total cost of the work, and to its estimate of general conditions costs, as set forth in its proposal.

Selection Process for D.R. Young Associates

Budget Analyst's question - Please provide, in writing, in detail how Mr. Young was selected and provide a detailed budget for Mr. Young's total coordinating costs of $---, including hours and hourly rates.

D. R. Young Associates ("DRYA"), an experienced and highly regarded project management firm, provides development and construction management services to the Academy in connection with the project under a contract which is terminable at any time by CAS. No City funds will be used to pay DRYA. To date, DRYA has been authorized to provide services through design development. The Academy did not engage in a formalized RFP process when it retained DRYA. Our project cost estimate includes a budget for development management services of about 1% of total project cost.

Explanation of Secured Funds

Budget Analyst's question - Please explain, in writing, what funding secured by CAS means. This refers to the $280,690,000.

These funds are either in hand or have been pledged to CAS. All but $7 million of the $76 million in gifts are in hand.

Attachment III
Administrative Code Waivers compared to the provision of the proposed ordinance

Administrative Code, Section 6.21.A.1	Section 2. Contracting Procedures, C.3	Justification
Requires 10 day published advertising for requests for requests for bids and quotes.	The CAS shall use best efforts to obtain bids for each City Trade Contract from at least three qualified bidders.	The proposed ordinance would allow bidding to be restricted to a limited number of pre-qualified bidders determined by the CAS. The City Trade Contracts are each expected to include very substantial scope of work, and many will involve highly specialized work. Limitation to pre-qualified bidders is critical to successful management of this very complex project. With bidding limited to pre-qualified contractors, publication becomes unnecessary.
Administrative Code, Section 6.21.A.9		**Justification**
All bidders shall designate their subcontractors in accordance with California Subletting and Subcontracting Fair Practices Act. Intent is to protect subcontractors from being replaced by the Primary Contractor once award is given.	No such provision	The main reason for the waiver of this requirement is that it does not apply to the City Trade Contracts because they will be bid directly to the subcontractor community. Normally, when the City is bidding a project, it is bidding to general contractors who are required to list their subcontractors in order to discourage "bid shopping". In this case, however, the City Trade Contracts will be bid and awarded directly to the subcontractors, and will in fact become subcontracts when they are subsequently assigned and novated to the Academy's general contractor. When the City Trade Contracts are viewed as subcontracts, the subcontractor designation process becomes simply inapplicable. The City is awarding directly to the subcontractors.
Administrative Code, Section 6.22.A.	**Section 3. Insurance Requirements**	**Justification**
All bidders shall be required to file payment and performance bonds	The requirements would not apply if the City's Risk Manager and the City Attorney, in their discretion, approve alternative arrangements, including insurance against costs of completing unfulfilled subcontractor obligations.	CAS's general contractor has asked that CAS and the City consider an alternative to traditional performance and payment bonds known as "Subguard Insurance". This is a product, increasingly used in private construction projects, to provide better protection at a lower cost as compared to traditional payment and performance bonds. Rather than each subcontractor providing separate payment and performance bonds

Source: DPW, July 29, 2003.

Attachment III
Administrative Code Waivers compared to the provision of the proposed ordinance

Before the request for proposals is issued, the department head shall determine that a design-build program is necessary or appropriate to achieve anticipated cost savings or time efficiencies, or both, and that such a process is in the public's best interest. The department head shall notify the Board of supervisors of his or her intention to seek design-build and/or finance proposals by generally describing the proposed program and the reasons for it in a letter to the Clerk of the Board	No such provision	Notice to the Board of Supervisors is provided by the proposed ordinance
If the proposed public work project is for the use or benefit of a department that is under the jurisdiction of a commission, then such commission shall first approve the solicitation of design-build and/or finance proposals. If the public work project is not for the use or benefit of a department under the jurisdiction of a commission, then the Mayor must first approve this process.	CAS or its General Contractor, in consultation with the Recreation and Parks Department and the Department of Public Works staff, may issue competitive requests for proposals for City Trades for design-build services for portions of the project.	Recreation and Park Commission would approve the solicitation of the design-build proposal, consistent with Section 6.61..Private financing from design/builders is not required because the CAS will finance the project.
Developers submitting design-build proposals shall offer evidence of qualifications in the field of design and construction of similar projects. The department head may request developers to create partial designs, which will be evaluated as part of the selection process.	CAS and DPW shall establish a panel to evaluate design-builders' proposals and rank the proposals, taking into account the following criteria: (2) qualifications of the developers to design and construct the relevant portions of the proposed Project; (3) evidence of financial capacity, (4) experience on similar projects, (5) quality of any preliminary design proposals, past designs, and/or proprietary designs.	
Developers submitting private financing proposals shall provide evidence of the commitment of funds necessary to privately finance the proposed projects to completion.	No such provision	CAS will provide this evidence when requesting the Board of Supervisors to issuance the General Obligation bonds
Developers shall comply with all applicable requirements set forth in San Francisco Administrative Code Chapters 12B, 12C and	No such provision Design/Builders will be required to meet applicable requirements set forth in San Francisco	

Source: DPW, July 29, 2003

		from separate bonding companies, often at a very high cost, the general contractor obtains a single insurance policy insuring all of the subcontractors on the job against the same risk covered by the payment and performance bonds. The proposed ordinance would allow Subguard Insurance to be used in lieu of payment and performance bonds only if the City's Risk Manager and City Attorney, in their discretion, approve this alternative arrangement. The proposed ordinance is intended to allow the City and CAS to explore a new insurance product not contemplated under the existing Administrative Code.
Administrative Code, Section 12D.A.9	**Section 2. Contracting Procedures. F.**	**Justification**
Establishes the MBE/WBE program which gives MBE/WBE businesses bid/rating discount provisions if qualified	The Executive Director of the Human Rights Commission shall set MBE and WBE subcontracting participation goals for the Project, talking into account the mix of City Funds and Private Funds involved in the Project. The goals may be met by any combination of City Trade Contracts and Private Trade Contracts.	The City Trade Contracts, while awarded directly by the City, will be awarded to subcontractors and will be assigned to CAS's general contractor who will administer them as subcontracts. Bid discounts do not apply to subcontractors, only to prime contractors. The Project has committed to overall subcontracting participation goals pursuant to San Francisco Administrative Code Chapter 12 The proposed ordinance clarifies that the City Trade Contracts should be treated as subcontracts and will be utilized to fulfill MBE and WBE goals.
Administrative Code, Section 2A.160	**Section 3. Insurance Requirements**	**Justification**
The Board of Supervisors shall by ordinance prescribe insurance requirements for Academy construction projects	Insurance and bond requirements for the GC, the City Trade Contracts, and Private Trade Contracts, as well as for design professionals working on the Project, shall be subject to review and approval by the City's Risk Manager	Preference for delegation of this authority due to timing concerns.
Administrative Code, Section 6.61. Design-Build	**Section 2.D File No. 03-1194**	**Justification**

Source: DPW, July 29, 2003.

Attachment III
Administrative Code Waivers compared to the provision of the proposed ordinance

12D.A. The request for proposals shall require developers to demonstrate good faith efforts to utilize MBE and WBE subcontractors/ subconsultants pursuant to San Francisco Administrative Code Chapter 12D.A.	Administrative Code Chapters 12B, 12C and 12D.A as indicated in Section 2,D2, item 6. 6) compliance with the goals and requirements of Administrative Code Chapters 12B, 12C and 12D.A;	
The department head shall evaluate developers' proposals to rank the proposals to determine which provides the best overall value to the City and County in regard to the following criteria: (1) plan for expediency in completing the proposed project; (2) lifecycle cost to the City and County; (3) qualifications of the developers to design-build and, if applicable, finance the proposed project; (4) qualifications of the developers to construct the proposed project; (5) quality of design proposal; (6) compliance with the goals and requirements of Administrative Code Chapters 12B, 12C, and 12D.A; (7) commitment to meet the City hiring goals (e.g., welfare-to-work); (8) if private financing is sought, commitment of funds, cost of funds and terms to the City; and (9) compliance with all the requirements and criteria established by the Department head in the request for proposals.	CAS and the DPW would establish a panel to evaluate design-builders; proposals and rank the proposal, taking into account the following criteria: (1) cost of the design-build services which would be weighted at least sixty percent (60%); (2) qualifications of the developers to design and construct the relevant portions of the proposed Project; (3) evidence of financial capacity, (4) experience on similar projects; (5) quality of any preliminary design proposals, past designs; (6) compliance with the goals and requirements of Administrative Code Chapters 12B, 12C and 12D.A; (7) lifecycle cost of the relevant portions of the Project; and (8) compliance with all the requirements and criteria established in the request for proposals.	
Subject to paragraph (I) below, the department head is authorized to negotiate all proposed contracts necessary or appropriate for the proposed project with the highest ranked developer. If the department head determines that contract negotiations with the highest-ranked developer are not proceeding satisfactorily, the department head may terminate such negotiations and enter into negotiations with the next-highest-ranked developer. If the department head deems a contract to have successfully been negotiated with	The Recreation and Parks Commission may award design-build City Trade Contracts to the design-builders submitting the highest ranked proposals.	With respect to the Dept. head's authorization to negotiate contracts, we do not expect any significant negotiations to take place because the RFQ/RFP will include the terms of the contract that the contractor will be expected to sign. When a design-build contractor submits its proposal, it will accept the terms of the contract, thus eliminating the need for negotiations.

Source: DPW, July 29, 2003.

a developer, the department head may then recommend such proposed contract to the Board of Supervisors for approval. The City shall retain the absolute discretion to determine not to proceed with any proposed project, which right may be exercised without liability to developers for costs incurred during the entire proposal and negotiation process, and such rights shall be reserved in all requests for proposals.		
All final contracts for a public work project that involve a design-build and/or finance program shall be subject to approval of the Board of Supervisors by resolution. If the proposed contract involves a financing program, the Capital Improvement Advisory Committee must review and report on the proposed project before the Board of Supervisors consider the proposed resolution concerning the project.	No such provision The proposed ordinance would delegate approval of the final contracts to the RPD Commission, which is also responsible, under the Administrative Code, to review and approve the project's financing plan prior to the issuance of the general obligation bonds.	

Source: DPW, July 29, 2003.

1. Explain why is it necessary to waive Section 6.21.A9 of the San Francisco Administrative Code for this project.

Administrative Code Section 6.21.A9 generally requires bidders for City construction contracts to designate the subcontractors performing more than one-half percent of the prime contractor's bid, in accordance with the applicable provisions of the California Public Contract Code. The proposed Contracting Ordinance would waive this requirement as to the bidding of the "City Trade Contracts" (as defined in the proposed Contracting Ordinance) for the Academy.

The main reason for the waiver of this requirement is that the City Trade Contracts will be bid directly to the subcontractor community. Normally, when the City is bidding a project, it is bidding to general contractors who are required to list their subcontractors in order to discourage "bid shopping". In this case, however, the City Trade Contracts will be bid and awarded directly to the subcontractor community, and will in fact become subcontracts when they are subsequently assigned and novated to the Academy's general contractor. Thus, with respect to first tier subcontractors, the subcontractor designation process is simply inapplicable.

The total budget for the hard cost for the building exceeds $140 million. Thus, if the entire Project was being bid to general contractors, as envisioned in Section 6.21.A9, only subcontractors with subcontracts valued in excess of $700,000 (.5% of $140 million) would be required to be designated. The City Trade Contracts are expected to be awarded to major trades, such as concrete and structural steel, and few, if any, lower tier subcontracts of that magnitude are expected.

Finally, the Academy's general contractor will be administering subcontracts that are bid both publicly and privately. Privately bid subcontracts will not be subject to a formal subcontractor designation requirement. The waiver of Section 6.21.A9 allows the Academy's general contractor to manage its subcontractors in a consistent fashion.

2. What type of controls would exist on this Project to make sure that if the Academy is not able to raise all funds during construction, the City would not be expected to pick up the cost to finish the Project?

Construction of the Project will not commence until both the Academy and the City are satisfied that financing is in place to assure completion of construction of the Project. While the Academy expects to start demolition and abatement work in the third quarter of next year, the final decision to proceed will not be made until a complete financing package is in place. As indicated in the information package the Academy previously submitted, it is the Academy's plan to provide all or the great majority of its share of Project costs through private donations. It has also issued $60 million in private 501(c)(3) conduit bonds, which are the sole obligation of the Academy, to provide a backstop. Another round of conduit bond financing may also be implemented prior to the commencement of construction. It is the Academy's intention to minimize its reliance on debt financing to fund budgeted costs, but also to have the debt financing available should the need arise.

The City will review and approve the final financing plan prior to the issuance of the general obligation bonds. San Francisco Administrative Code Section 2.A.160 specifically

Source: California Academy of Sciences

requires Recreation and Parks Commission approval, prior to the commencement of construction, of the Academy's ability to finance the work to completion. In addition, Board of Supervisors approval will be required prior to the issuance of the bonds. The Academy is very cognizant of its obligation to provide a complete financing package which assures the City that it will not be "left holding the bag", and plans to more completely address this issue in the subsequent approvals discussed above.

3. If the City wanted to make additional financial contributions, beyond the Bond Funds, how would the City justify paying the contractor's fee when he is selected through a non-competitive public process?

The general contractor will have no right to look to the City for payment of its fees. Its contract will be solely with the Academy, and its fees will be paid solely from non-City Funds.

Should the City want to make additional financial contributions to the Project, there are many other costs to which it could contribute. Given the long construction period, there are many costs for which the Academy will not contract for several years, and which could be procured through the process described in the Contracting Ordinance or through the City's typical procurement process.

Source: California Academy of Sciences

Campaign for the New Academy
Government Income Goal

The Academy has a long history of receiving federal grants for original scientific research, expanded science education, and preservation/safeguarding of its scientific research collections, which are considered a national resource by scientists, scholars, and students from around the world. The Academy will use this foundation as a basis for raising the additional $31 million from government sources for the proposed project. All avenues for this goal will be sought. The income is expected from a variety of sources, and may include the following:

- Urban Parks and Cultural and Historic grants from the State of California
- Funding will be sought from National Science Foundation Biological Resource Collections for specimen storage and compactors
- Funding will be sought from NASA toward the Planetarium and astronomy exhibits for the new building
- Funding will be sought from the Department of Energy to support the green building programs
- Federal funding from the Economic Development Initiative (HUD/VA) is being sought for capital improvements
- Additional federal funding will be sought from the National Science Foundation Informal Science and NOAA
- Additional funding will be sought from the Institute of Museum and Library Services
- Funding will be sought from the Strategic Environmental Project (federal) as a green building project
- Funding will be sought from the Integrated Waste Management Board for part of the green building aspects

State and Federal Funds Already Secured

On the federal side, we have secured $4 million in Federal Funds from the following sources $2.5 million from National Science Foundation Informal Science Education ; $1 million of Labor HHS education appropriation and $800,000 National Marine Sanctuaries program. The State money $24 million secured includes $5 million from the 2000 State budget surplus ; $10 million from State Proposition 10 in 2000, $4 million in local assistance grant from Governor Davis and $5 million from Proposition 40 funds directed through the Recreation and Park department.

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City and County of San Francisc

Meeting Agenda

Land Use Committee

Members: Jake McGoldrick, Sophie Maxwell and Tom Ammiano

Clerk: Gail Johnson

Monday, September 15, 2003 | **1:00 PM** | **City Hall, Room 263**

Regular Meeting

Note: Each item on the Consent or Regular agenda may include the following documents:
1) Legislation
2) Budget Analyst report
3) Legislative Analyst report
4) Department or Agency cover letter and/or report
5) Public correspondence
These items will be available for review at City Hall, Room 244, Reception Desk.

Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding City representatives, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance.

AGENDA CHANGES

REGULAR AGENDA

1. 031465 [Grant of Federal Funds]
Mayor
Resolution authorizing the Municipal Transportation Agency Board to accept and expend $48,094,526 of Federal Formula Section 5307 and Surface Transportation Program (STP) Capital Assistance for San Francisco Capital Projects and activities, excluding Administrative Overhead Costs.

(No Public Benefit Recipient.)

8/19/03, RECEIVED AND ASSIGNED to Land Use Committee.

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2. **031436** **[STOP Intersections]**

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH
26th and Diamond Streets, stopping Diamond Street, making this intersection an all-way STOP;
Montecito Avenue and Northwood Drive, stopping Northwood Drive, making this uncontrolled intersection a two-way STOP; and
15th Avenue and Noriega Street, south intersection, stopping southbound 15th Avenue at Noriega Street, making this uncontrolled Y-intersection a one-way STOP. (Parking and Traffic Department)

(8/6/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2671; No Public Benefit Recipient.)

8/12/03, RECEIVED AND ASSIGNED to Land Use Committee.

3. 031437 [Parking Regulations]

Resolution enacting and rescinding parking regulations at various locations.

PERPENDICULAR (90-DEGREE ANGLE) PARKING - ESTABLISH
9th Avenue, east side, from Lake Street to the north terminus (legislates existing street conditions);
Diamond Street, west side, from 22nd to 23rd Streets (legislates existing street conditions);
Wisconsin Street, both sides, from 19th to 20th Streets (legislates existing street conditions);
Wisconsin Street, west side, from 20th to 22nd Streets (legislates existing street conditions);
Duboce Avenue, north side, from Castro to Divisadero Streets (legislates existing street conditions);
Arkansas Street, west side, from 16th to Mariposa Streets (legislates existing street conditions);
Arkansas Street, east side, from Mariposa to 18th Streets (legislates existing street conditions);
Arkansas Street, both sides, from 18th to 19th Streets (legislates existing street conditions);
Arkansas Street, west side, from 19th to 20th Streets (legislates existing street conditions);
Rhode Island Street, east side, from 20th Street to Mariposa Street (legislates existing street conditions); and
Rhode Island Street, west side, from 19th Street to Mariposa Street (legislates existing street conditions).

TOW-AWAY, NO STOPPING, 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - RESCIND
Castro Street, east side, from 100 to 230 feet south of Duboce Avenue.

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Melrose Avenue, along east terminus, east of Foerster Street (adjacent to Sunnyside Playground).

1-HOUR PARKING METERS, 7 AM TO 6 PM, MONDAY THROUGH SATURDAY - ESTABLISH
California Street, north side, from Locust Street to 231 feet easterly (commercial frontage only, up to 3440 California Street)

TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Farrugut Avenue, north side, from Alemany Boulevard to the western terminus.

RESIDENTIAL PERMIT PARKING AREA "S" (2-HOUR TIME LIMIT, 8 AM - 9 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
18th Street, both sides, between Clover and Douglass Streets (4500 block).

NO PARKING ANYTIME - RESCIND
TOW-AWAY, NO PARKING ANYTIME - ESTABLISH
Langton Street, east side, between Folsom and Harrison Streets.

1-HOUR PARKING, 7 AM TO 6 PM, EXCEPT SUNDAY - RESCIND
RESIDENTIAL PERMIT PARKING AREA "I" (1-HOUR TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
Julian Avenue, both sides, between 15th and 16th Streets.

RESIDENTIAL PERMIT PARKING AREA "I" (1-HOUR TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH SATURDAY) - ESTABLISH
Rondel Place, both sides, between 16th Street and south terminus. (Parking and Traffic Department)

(8/6/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2671; No Public Benefit Recipient.)

8/12/03, RECEIVED AND ASSIGNED to Land Use Committee.

4. **031438** **[Traffic Regulations]**
Resolution enacting and rescinding traffic regulations on various streets.

NO U-TURNS - ESTABLISH
Treasure Island Road, both directions, at McCalla Road.

LEFT LANE MUST TURN LEFT - ESTABLISH
Grant Avenue, northbound, at Pine Street.

NO LEFT TURN, 4 PM TO 6 PM, EXCEPT SUNDAY - RESCIND
Montgomery Street, northbound, at Broadway. (Parking and Traffic Department)

(8/6/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2671; No Public Benefit Recipient.)

8/12/03, RECEIVED AND ASSIGNED to Land Use Committee.

5. **031439** **[Speed Limit - Potrero Avenue between Brannan and Cesar Chavez Streets]**
Ordinance adding Section 174.13 and removing Section 175.07 of the San Francisco Traffic Code to reduce the speed limit from 30-mph to 25-mph on Potrero Avenue between Brannan and Cesar Chavez Streets. (Parking and Traffic Department)

(No Public Benefit Recipient.)

8/12/03, RECEIVED AND ASSIGNED to Land Use Committee.

ADJOURNMENT

IMPORTANT INFORMATION

NOTE: Persons unable to attend the meeting may submit to the City, by the time the proceedings begin, written comments regarding the agenda items above. These comments will be made a part of the official public record and shall be brought to the attention of the Board of Supervisors. Any written comments should be sent to: Committee Clerk of the Land Use Committee, San Francisco Board of Supervisors, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102 by 5:00 p.m. on the day prior to the hearing. Comments which cannot be delivered to the committee clerk by that time may be taken directly to the hearing at the location above

LEGISLATION UNDER THE 30-DAY RULE

(Not to be considered at this meeting)

Rule 5.40 provides that when an ordinance or resolution is introduced which would CREATE OR REVISE MAJOR CITY POLICY, the committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction. The provisions of this rule shall not apply to the routine operations of the departments of the City or when a legal time limit controls the hearing timing. In general, the rule shall not apply to hearings to consider subject matter when no legislation has been presented, nor shall the rule apply to resolutions which simply URGE action to be taken.

031368 **[Zoning Map Amendment in connection with Seawall Lot 330]**

Ordinance amending Zoning Map Sheet 1H of the City and County of San Francisco for property located on a portion of Seawall Lot 330, Assessor's Block 3771 to change the height and bulk district classification from 105-F to 220-G; adopting findings pursuant to the California Environmental Quality Act; and making findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Planning Department)

(No Public Benefit Recipient; Companion measure to File 031369.)

8/7/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 9/19/2003.

031369 **[General Plan Amendment in connection with Seawall Lot 330]**

Ordinance amending the San Francisco General Plan in connection with approvals for the proposed Bryant Street Residential Tower on Seawall Lot 330; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that the General Plan amendment is consistent with the eight Priority Policies of Planning Code Section 101.1. (Planning Department)

(No Public Benefit Recipient.)

8/7/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 9/19/2003.

031463 **[Zoning - Large-scale Retail Use]**

Supervisors Ammiano, Dufty

Ordinance amending the Planning Code to add section 121.6 to impose a conditional use requirement and other specified procedures for certain large-scale retail uses in excess of 90,000 square feet and to prohibit such uses if they are in excess of 120,000 square feet.

8/18/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 9/19/2003.
8/26/03, REFERRED TO DEPARTMENT. Transmitted to Planning Commission for public hearing and recommendation.

031501 **[Findings as to the need to regulate formula retail uses in the Hayes-Gough NCD and in the NC Cluster Districts at Cole and Carl Streets and Parnassus and Stanyan Streets regarding formula retail uses]**

Supervisor Gonzalez

Ordinance to amend the Planning Code by adding section 703.3 and by amending section 182 to make findings as to the need to regulate formula retail uses, to define formula retail uses, prohibit formula retail uses in the Hayes-Gough Neighborhood Commercial District and in the Neighborhood Commercial Cluster Districts at Cole and Carl Streets and Parnassus and Stanyan Streets, to require any building permit application for a formula retail use to comply with the notice and design review procedures of section 312 of the Planning Code, to provide that the burden to prove that a use is not a formula retail use rests with the building permit applicant or holder, and to provide that nonconforming uses in Residential Districts which are seeking to change in use to retail sales activity or retail sales establishment which is also a formula retail use must comply with the provisions of Section 703.3, and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

8/26/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 9/25/2003.
8/29/03, REFERRED TO DEPARTMENT. Transmitted to Planning Commission for public hearing and recommendation.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board has several standing Committees where ordinances and resolutions are the subject of hearings at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience at a Committee meeting to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers, and similar sound-producing electronic devices; 3) signs to be brought into the meeting or displayed in the room; 4) standing in the meeting room.

Citizens are encouraged to testify at Committee meetings and to write letters to the Clerk of a Committee or to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

Agenda are available on the internet at www.sfgov.org/bdsupvrs.bos.htm.

THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT CITY HALL, ROOM 244, RECEPTION DESK.

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 557-4293.

Requests for language translation at a meeting must be received no later than noon the Friday before the meeting. Contact Ohn Myint at (415) 554-7704.

AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

翻譯 *必須在會議前最少四十八小時提出要求*
請電 (415) 554-7701

Disability Access

Both the Committee Room (Room 263) and the Legislative Chamber are wheelchair accessible. The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.

All meetings are real-time captioned and are cablecast open-captioned on SF Cable 26.

The following services are available when requested 48 hours before the Committee meeting. This advance notice will help ensure availability.

· For American Sign Language interpreters or use of a reader during a meeting, contact Ohn Myint at (415) 554-7704.

· For a large print copy of agenda or minutes in alternative formats, contact Annette Lonich at (415) 554-7706.

· Assistive listening devices are available from the receptionist in the Clerk of the Board's Office, Room 244, prior to the meeting.

· The Clerk of the Board's Office TTY number is (415) 554-5227.

In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The Sunshine Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Donna Hall; by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102 by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at Donna.Hall@sfgov.org
Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Hall or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfgov.org/sunshine.htm

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

[Budget Analyst Report]
Susan Hom
Main Library-Govt. Doc. Section

CITY AND COUNTY OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

September 10, 2003

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TO: Land Use Committee

FROM: Budget Analyst

SUBJECT: September 15, 2003 Land Use Committee Meeting

Item 1 – File 03-1465

Department: Municipal Transportation Agency (MTA)
San Francisco Municipal Railway (MUNI)

Item: Resolution authorizing the Municipal Transportation Agency to accept and expend $48,094,526 of Federal Formula Section 5307 and Surface Transportation Program (STP) Capital Assistance for San Francisco capital projects and activities, excluding administrative overhead costs.

Grant Amount: $48,094,526

Source of Funds: Federal Transit Administration

Grant Period: September 26, 2003 through December 30, 2007 (approximately four years and three months).

Required Match: $11,824,099 (see Comment No. 3)

Indirect Costs: None. Mr. Jerry Levine of MUNI advises that because MUNI is partially funded by the General Fund through subsidy, the City does not charge MUNI for Citywide indirect costs. Mr. Gary Bates of the Controller's Office

concurs that the City does not charge MUNI for Citywide indirect costs.

Description: The proposed resolution would authorize the Municipal Transportation Agency to accept and expend $48,094,526 of Federal Transit Administration funds through Federal Formula Section 5307 and Surface Transportation Program (STP) Capital Assistance for the following ten capital projects:

1. Cable car infrastructure rehabilitation. Mr. Levine advises that $2,114,000 of the subject grant funds would fund various improvements to guideways and infrastructure improvement, replacement, or rehabilitation projects throughout the cable car system.
2. TransBay Bus Terminal. Mr. Levine advises that $954,719 of the subject grant funds would improve public access to bus and rail services in downtown San Francisco by increasing the connections between local and regional public transit services. The project will modernize the existing underutilized and seismically unsafe Transbay Bus Terminal, reduce non-transit vehicle usage, and revitalize the area surrounding the Terminal.
3. Rail replacement. Mr. Levine advises that $11,226,000 of the subject grant funds would ensure phased replacement of sections of rail used in MUNI's light rail and cable car systems. The sections of rail to be replaced will be prioritized based on (a) their potential for failure and derailments because it has reached, or has nearly reached, the end of its useful life, (b) the amount of noise and vibration experienced at surrounding structures, and (c) if replacement would complement related projects by other City departments. The rail to be replaced is of higher strength and durability than the existing rail, and installed in a manner to reduce vibration and decrease maintenance costs.
4. Paratransit assistance. Mr. Levine advises that $3,510,819 of the subject grant funds would support Americans with Disabilities Act (ADA) accessibility improvement activities, including paratransit operations.

5. Overhead lines rehabilitation. Mr. Levine advises that $7,500,000 of the subject grant funds would fund the phased replacement and upgrade of the traction power system that provides power for MUNI's fleet of trolley coaches, light rail vehicles, and historic streetcars. The overhead lines rehabilitation program includes replacing and upgrading the overhead wires, switches, crossings, support poles, substation equipment, and other facilities.
6. Trolley coach replacement. Mr. Levine advises that $4,999,000 of the subject grant funds would continue the phased replacement of MUNI's remaining old trolley coaches.
7. Motor coach replacement. Mr. Levine advises that $2,850,158 of the subject grant funds would provide the incremental funding required to meet MUNI's existing motor coach procurement contract obligations for new motor coaches delivered to MUNI by Neoplan, USA.[1]
8. Preventive maintenance. Mr. Levine advises that $14,016,000 of the subject grant funds would support MUNI's preventive maintenance program.
9. Cable car vehicle rehabilitation or rebuilding. Mr. Levine advises that $717,000 of the subject grant funds would ensure the phased rehabilitation of MUNI's cable car fleet to enhance the cable car system's reliability and productivity. Mr. Levine advises that the estimated life of a cable car is 60 to 70 years, and that a major rehabilitation effort can extend a cable car's life by another 30 to 35 years.
10. Radio replacement. Mr. Levine advises that $206,830 of the subject grant funds would partially fund the development of design specifications for MUNI's replacement radio system.

Budget: Attachment I, provided by Mr. Levine, is a summary budget for the ten capital projects showing:

[1] Mr. Levine advises that MUNI's contract with Neoplan, USA for new motor coaches had a total contract amount of $128,229,473, consisting of (a) a base contract in the amount of $92,192,575, approved by the Board of Supervisors on February 5, 1999 (Resolution No. 60-99), and (b) an option agreement in the amount of $36,036,898, approved by the Board of Supervisors on June 29, 2001 (Resolution No. 516-01). Mr. Levine advises that all 330 contracted motor coaches have been delivered to, and accepted by, MUNI and are now in the warranty phase.

(a) The breakdown by project of the proposed grant funds in the amount of $48,094,526.

(b) The breakdown by project of the required matching funds in the amount of $11,824,099, for total project funding of $59,918,625. Mr. Levine advises that matching funds will be utilized from several funding sources (see Comment No. 3).

(c) The projected expenditures of the proposed grant funds, allocated to contracts, in-house labor, and operations, in the amount of $48,094,526. According to Mr. Levine, while MUNI can currently target the amount of matching funds required for each project, MUNI will determine how the matching funds will actually be expended only when the need and timing requirements are clearer.

Comments:

1. Mr. Levine advises that none of the subject grant funds have been expended to date.

2. As shown in Attachment I, of the proposed grant of $48,094,526, the amount of $28,852,326 or approximately 60 percent would be expended on construction contracts and contractual services. Mr. Levine advises that under Federal grant guidelines all construction and service provider contracts must be selected through either a competitive bidding process or a competitive proposal process. Mr. Levine also advises that it is MUNI's goal to utilize Disadvantaged Business Enterprise (DBE) contractors to the fullest extent possible, in accordance with the Federal grant guidelines.

3. The proposed resolution states that the required local match of $11,824,099 would be funded using a variety of funding sources, which may include San Francisco Municipal Railway Fare Revenue, San Francisco Municipal Railway Improvement Corporation funds, Regional Bridge Toll net revenues, Redevelopment Funds, and/or San Francisco County Transportation Sales Taxes (subject to the approval of the San Francisco County Transportation Authority). Mr. Levine advises that as matching funds from each of these different funding sources become available, they will be used to fund whichever of the above ten capital projects are ready to commence at the time that the funding becomes available.

4. Attachment II is the Grant Information Form, provided by MUNI, which includes the Disability Access Checklist.

Recommendation: Approve the proposed resolution.

Harvey M. Rose

cc: Supervisor McGoldrick
Supervisor Maxwell
Supervisor Ammiano
Clerk of the Board
Controller
Ben Rosenfield
Ted Lakey

FILE NAME: Grant Analysis
Prepared by Jerry Levine **CA-90-Y212**
Source: FINANCIAL PLAN
8/11/2003 update

PROJECT NAME	CA-90-Y212 FTA 5307	CA-90-Y212 STP	GRANT TOTAL	MATCH	Annual Element Cost (incl. Match)	Contracts	In House Labor	ops	Total Expenditure (excl. Match)
Cable Car Infrastructure Rehab	$2,114,000		$2,114,000	$528,500	$2,642,500	$1,350,000	$764,000	$0	$2,114,000
Trans Bay Terminal		$954,719	$954,719	$238,680	$1,193,399	$954,719	$0	$0	$954,719
Rail Replacement	$11,226,000		$11,226,000	$2,806,500	$14,032,500	$8,980,800	$2,245,200	$0	$11,226,000
Paratransit Assistance	$3,510,819		$3,510,819	$877,705	$4,388,524	$3,510,819	$0	$0	$3,510,819
Overhead Lines Reconstruction	$7,500,000		$7,500,000	$1,875,000	$9,375,000	$6,000,000	$1,500,000	$0	$7,500,000
Trolley Coach Replacement	$4,999,000		$4,999,000	$1,023,891	$6,022,891	$4,999,000	$0	$0	$4,999,000
Motor Coach Replacement	$2,850,158		$2,850,158	$583,767	$3,433,925	$2,850,158	$0	$0	$2,850,158
Preventive Maintenance	$14,016,000		$14,016,000	$3,503,976	$17,519,976	$0	$0	$14,016,000	$14,016,000
Cable Car Vehicle Rehabilitation	$717,000		$717,000	$179,250	$896,250	$0	$717,000	$0	$717,000
Radio Replacement	$206,830		$206,830	$206,830	$413,660	$206,830	$0	$0	$206,830
SUBTOTAL	$47,139,807	$954,719	$48,094,526	$11,824,099	$59,918,625	$28,852,326	$5,226,200	$14,016,000	$48,094,526

TOTAL SECTION 5307	$47,139,807
TOTAL STP/CMAQ	$954,719
TOTAL SECTION 5307 MATCH	$11,585,419
TOTAL STP MATCH	$238,680
	$59,918,625

Attachment 1

federal task budget

File Number: _____
(Provided by Clerk of Board of Supervisors)

Grant Information Form
(Effective January 2000)

Purpose: Accompanies proposed Board of Supervisors resolutions authorizing a Department to accept and expend grant funds.

The following describes the grant referred to in the accompanying resolution:

1. Grant Title: FTA Grant # CA-90-Y212 for $48,094,526 in formula and discretionary federal funds for Municipal Railway Capital Projects and Activities.

2. Department: San Francisco Municipal Railway.

3. Contact Person: Jerry Levine Telephone: 934-3939

4. Grant Approval Status (check one):

   ☐ Approved by funding agency ☒ Not yet approved

5. Amount of Grant Funding Approved or **Applied for:** $48,094,526

6. a. Matching Funds Required: $11,824,099
   b. Source(s) of matching funds (if applicable): The nonfederal share of project costs will be funded through a variety of sources which may include San Francisco Municipal Railway Fare Revenue, San Francisco Municipal Railway Improvement Corporation, San Francisco County Transportation Sales Taxes, Bridge Toll Net Revenues and/or Redevelopment revenues.

7. a. Grant Source Agency: Federal Transit Administration
   b. Grant Pass-Through Agency (if applicable): Not applicable

8. Proposed Grant Project Summary:

   The Board of Supervisors is being asked for authority to accept and expend $48,094,526 of formula and discretionary federal funds for San Francisco capital projects and activities. This grant would provide additional funding for several projects: Transbay Terminal, Rail Replacement, Paratransit Assistance, Overhead lines reconstruction, Trolley Coach replacement, Motor Coach replacement, Preventive Maintenance, Radio Replacement, Cable Car infrastructure rehabilitation and Cable Car vehicle rehabilitation.

9. Grant Project Schedule, as allowed in approval documents, or as proposed:

   Start-Date: 9/1/03 End-Date: 12/30/06

10. Number of new positions created and funded: None

11. If new positions are created, explain the disposition of employees once the grant ends? N.A

12. a. Amount budgeted for contractual services: $28,852,326
    b. Will contractual services be put out to bid? Yes
    c. If so, will contract services help to further the goals of the department's MBE/WBE requirements? Yes
    d. Is this likely to be a one-time or ongoing request for contracting out? One-time

13. a. Does the budget include indirect costs? Yes _ No X
    b1. If yes, how much? $n/a.
    b2. How was the amount calculated?

    c. If no, why are indirect costs not included?
    Not allowed by granting agency To maximize use of grant funds on direct services
    Other (please explain): There is no allowance for City wide indirect costs.

14. Any other significant grant requirements or comments: None

Disability Access Checklist

15. This Grant is intended for activities at (check all that apply):

☒ Existing Site(s) ☒ Existing Structure(s) ☒ Existing Program(s) or Service(s)
☒ Rehabilitated Site(s) ☒ Rehabilitated Structure(s) ☒ New Program(s) or Service(s)
☒ New Site(s) ☒ New Structure(s)

16. The Departmental ADA Coordinator has reviewed the proposal and concluded that the project as proposed will be in compliance with the Americans with Disabilities Act and all other Federal, State and local access laws and regulations and will allow the full inclusion of persons with disabilities, or will require unreasonable hardship exceptions, as described in the comments section:

Comments:

Departmental ADA Coordinator: **Annette Williams**
(Name)

Date Reviewed: 8-12-03

Department Approval: **Annette Williams, Manager of Accessible Services**
(Name and Title)

(Signature)

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City and County of San Francisc

Meeting Agenda

Land Use Committee

Members: Jake McGoldrick, Sophie Maxwell and Tom Ammiano

Clerk: Gail Johnson

Monday, September 22, 2003 | **1:00 PM** | **City Hall, Room 263**

Regular Meeting

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AGENDA CHANGES

REGULAR AGENDA

1. 031504 [Accept - Expend Federal Grant]
Supervisor Peskin
Resolution authorizing the Port of San Francisco to accept and expend a grant in the amount of $3,475,000 from the United States Transportation Security Administration for the purpose of enhancing facility and operational security at the Port's cruise, ferry and cargo terminals.

(No Public Benefit Recipient.)

8/26/03, RECEIVED AND ASSIGNED to Land Use Committee.

2. 031490 [Angle Parking]
Ordinance amending San Francisco Traffic Code Sections 55 and 132 to prohibit any person from parking or standing a vehicle other than at the angle of the curb or edge of roadway indicated by signs or markings, and to provide for penalties. (Parking and Traffic Department)

(No Public Benefit Recipient.)

8/25/03, RECEIVED AND ASSIGNED to Land Use Committee.

3. 031406 [Building Code - Technical Corrections/Clarifications]
Supervisor Daly

Ordinance amending the Building Code to effect technical corrections/ clarifications to Section 3102.8, by adding provisions previously included in the Code regarding woodburning appliances, Section 101.20, by adding provisions previously included in the Code regarding the operation of the Central Permit Bureau, Section 106.1, by deleting provisions regarding permit requirements that were previously removed from the Code, Section 106.3.2, by adding provisions previously included in the Code regarding submittal documents for permit applications, Section 103.3.1, 103.3.2, 103.3.3, 103.3.4, and 103.3.5 by deleting provisions regarding unlawful residential demolition and adding the provisions regarding unlawful residential demolition that were previously included in the Code, Section 205 by deleting the definition of demolition, by amending Figure 16B-1, Sections 105.4.2, 105.4.3.1, 107.1.1, 108.5.6, 1003.3.3.2, 1001A, 1304.A.1, 1307A.2, 1311A.1, 1313A.3, 1314A.2, 1316A.1, 1308A.3, 1605.4.3, 1604B.2.3, 1605B.3, 1605B.8, 1606B, 1604C, 1608C.5, 1611C.3.1, 1611C.4.2, 1611C.6.1, 1611C.6.2, 1611C.2.2.2, Table 16C-D, 1701.5, 3403.2.1.2, 3407.1, 3407.2.3, 3407.4.3, 3407.5.3.4, 3407.5.3.5, 3408.3.2, 1605.4.3, 1605.5, 106.4.4, 409.9.1, 1602C.6.1, 1602C.6.2, 3303.9.2, 3403.2.1.1, and 1605.4.1 to correct typographical errors, and making findings in accordance with California Health and Safety Code Section 17958.5 as to the local climatic, topological and geological reasons for amending the State Building Code.

8/12/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 9/11/2003.

4. 031273 [Signs and handbills]
Supervisor Ma

Ordinance amending the Public Works Code by amending Sections 184.56, 184.57, 184.60, 184.64, 184.66, 184.70, 184.74, 184.75, and 184.78, adding Section 184.79, and repealing Sections 184.58, 184.59, and 184.71, of Articles 5.6 and 5.7, to prohibit the posting of signs on lamp posts and utility poles, amend the definition of Sign, remove the requirement that persons register to distribute Handbills, remove certain publication requirements, provide for a billing procedure and civil penalties for depositing Handbills in violation of certain restrictions, requiring Handbills to be placed on private property consistent with the Director's rules, move the provision listing historic lamp posts to the portion of the Code regulating banners, amend the title to Article 5.6, and other related changes.

7/22/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 8/21/2003.

5. 030593 [Status of Treasure Island Development Proposals]
Supervisors McGoldrick, Ammiano

Hearing on the status of Treasure Island development proposals, including:

1. The basis for the selection of a developer by the Treasure Island Development Authority;
2. The adequacy of the financial return on the development to the City and County of San Francisco;
3. The risks and advantages to CCSF related to the terms of the proposed agreement;
4. Review of the financial qualifications and available capitalization of the developers to complete this major long-term development; and
5. Consideration of the adequacy of the proposed agreement to protect the interests of the citizens of San Francisco and the Bay Area.

4/8/03, RECEIVED AND ASSIGNED to Land Use Committee.

5/12/03, CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Annemarie Conroy, Executive Director, Treasure Island Development Authority; Michael Cohen, Deputy City Attorney; Karen Knowles Pearce, Chair, Treasure Island/Yuerba Buena Island Citizen Advisory Board; Mike De Lane, teacher, Life Learning Academy, and member, Treasure Island/Yuerba Buena Island Citizen Advisory Board; Ruth Gravanis; Silvia Johnson; Francisco Da Costa; Sherry Williams, Executive Director, Treasure Island Homeless Development Initiative; Carisa Harris Adamson, President, Board of Directors, Treasure Island Sailing Center; Eve Boch, Arc Ecology; Andrew Bozeman.

ADJOURNMENT

IMPORTANT INFORMATION

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LEGISLATION UNDER THE 30-DAY RULE

(Not to be considered at this meeting)

Rule 5.40 provides that when an ordinance or resolution is introduced which would CREATE OR REVISE MAJOR CITY POLICY, the committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction. The provisions of this rule shall not apply to the routine operations of the departments of the City or when a legal time limit controls the hearing timing. In general, the rule shall not apply to hearings to consider subject matter when no legislation has been presented, nor shall the rule apply to resolutions which simply URGE action to be taken.

031501 **[Findings as to the need to regulate formula retail uses in the Hayes-Gough NCD and in the NC Cluster Districts at Cole and Carl Streets and Parnassus and Stanyan Streets regarding formula retail uses]**

Supervisor Gonzalez

Ordinance to amend the Planning Code by adding section 703.3 and by amending section 182 to make findings as to the need to regulate formula retail uses, to define formula retail uses, prohibit formula retail uses in the Hayes-Gough Neighborhood Commercial District and in the Neighborhood Commercial Cluster Districts at Cole and Carl Streets and Parnassus and Stanyan Streets, to require any building permit application for a formula retail use to comply with the notice and design review procedures of section 312 of the Planning Code, to provide that the burden to prove that a use is not a formula retail use rests with the building permit applicant or holder, and to provide that nonconforming uses in Residential Districts which are seeking to change in use to retail sales activity or retail sales establishment which is also a formula retail use must comply with the provisions of Section 703.3, and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

8/26/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 9/25/2003.
8/29/03, REFERRED TO DEPARTMENT. Transmitted to Planning Commission for public hearing and recommendation.

Meeting Procedures

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翻譯 *必須在會議前最少四十八小時提出要求*
請電 (415) 554-7701

Disability Access

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Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The Sunshine Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Donna Hall; by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102 by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at Donna.Hall@sfgov.org
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City and County of San Francisc

Meeting Agenda

Land Use Committee

Members: Jake McGoldrick, Sophie Maxwell and Tom Ammiano

Clerk: Gail Johnson

Monday, September 29, 2003 | **1:00 PM** | **City Hall, Room 263**

Regular Meeting

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AGENDA CHANGES

REGULAR AGENDA

1. 030593 [Status of Treasure Island Development Proposals]
Supervisors McGoldrick, Ammiano
Hearing on the status of Treasure Island development proposals, including:

1. The basis for the selection of a developer by the Treasure Island Development Authority;
2. The adequacy of the financial return on the development to the City and County of San Francisco;
3. The risks and advantages to CCSF related to the terms of the proposed agreement;
4. Review of the financial qualifications and available capitalization of the developers to complete this major long-term development; and
5. Consideration of the adequacy of the proposed agreement to protect the interests of the citizens of San Francisco and the Bay Area.

4/8/03, RECEIVED AND ASSIGNED to Land Use Committee.
5/12/03, CONTINUED TO CALL OF THE CHAIR. Heard in Committee. Speakers: Annemarie Conroy, Executive Director, Treasure Island Development Authority; Michael Cohen, Deputy City Attorney; Karen Knowles Pearce, Chair, Treasure Island/Yuerba Buena Island Citizen Advisory Board; Mike De Lane, teacher, Life Learning Academy, and member, Treasure Island/Yuerba Buena Island Citizen Advisory Board; Ruth Gravanis; Silvia Johnson; Francisco Da Costa; Sherry Williams, Executive Director, Treasure Island Homeless Development Initiative; Carisa Harris Adamson, President, Board of Directors, Treasure Island Sailing Center; Eve Boch, Arc Ecology; Andrew Bozeman.
9/22/03, CONTINUED. Speakers: None. Continued to September 29, 2003.

2. 030999 [Lot Line Selection for Vacant Lots Abutting Two or More Streets]
Supervisor McGoldrick
Ordinance amending Planning Code section 130 to require that before a lot owner may elect which lot line is to be the front lot line of the lot for purposes of the yard and setback requirements the lot must not only abut on two or more streets, but must also be vacant, and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

6/3/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 7/3/2003.
6/27/03, REFERRED TO DEPARTMENT. Transmitted to Planning Commission for public hearing and recommendation.
8/15/03, RESPONSE RECEIVED. Notification of Project Receiving Environmental Review, dated August 13, 2003.
9/5/03, RESPONSE RECEIVED. Certificate of Determination of Exemption/Exclusion from Environmental Review dated 9/4/03.

3. 031434 [Approval of Public Trust Exchange]
Resolution approving an Exchange Agreement with the State Lands Commission that would remove the public trust and Burton Act trust from approximately 22,600 square feet of unimproved real property located on Seawall Lot 330 at the corner of Bryant and Beale Streets, and would place the public trust and Burton Act trust on an approximately 10.34 acre site located between Maryland Street, Cesar Chavez Street, and 24th Street, on the eastern portion of the Western Pacific parcel. (Port)

(No Public Benefit Recipient.)

8/14/03, RECEIVED AND ASSIGNED to Land Use Committee.

4. 031369 [General Plan Amendment in connection with Seawall Lot 330]

Ordinance amending the San Francisco General Plan in connection with approvals for the proposed Bryant Street Residential Tower on Seawall Lot 330; adopting findings pursuant to the California Environmental Quality Act; and adopting findings that the General Plan amendment is consistent with the eight Priority Policies of Planning Code Section 101.1. (Planning Department)

(No Public Benefit Recipient.)

8/7/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 9/19/2003.

5. 031368 [Zoning Map Amendment in connection with Seawall Lot 330]

Ordinance amending Zoning Map Sheet 1H of the City and County of San Francisco for property located on a portion of Seawall Lot 330, Assessor's Block 3771 to change the height and bulk district classification from 105-F to 220-G; adopting findings pursuant to the California Environmental Quality Act; and making findings of consistency with the General Plan and the priority policies of Planning Code Section 101.1. (Planning Department)

(No Public Benefit Recipient; Companion measure to File 031369.)

8/7/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 9/19/2003.

6. 031099 [CEQA Findings - Office projects for 350 Bush Street and 500 Pine Street, including the expansion of Saint Mary's Square Park]

Mayor

Resolution adopting environmental findings (and a statement of overriding considerations) pursuant to the California Environmental Quality Act ("CEQA") and state guidelines in connection with the office projects for 350 Bush Street and 500 Pine Street, including the expansion of Saint Mary's Square Park and the amendment to Appendix B to Article 11 – Category II Buildings of the Planning Code.

(No fiscal impact.)

6/17/03, RECEIVED AND ASSIGNED to Land Use Committee.
7/7/03, CONTINUED TO CALL OF THE CHAIR. Speakers: None.
7/14/03, CONTINUED TO CALL OF THE CHAIR. Speakers: None.

7. 031098 [Expansion of Saint Mary's Square Park]

Mayor

Resolution in conjunction with the development of the office projects at 350 Bush Street and 500 Pine Street: (i) approving the conveyance of a parcel of property to the city, which parcel shall be improved and maintained as a public park at no cost to the city, pursuant to the terms of established documentation developed by the City Attorney's Office and the projects' sponsors (ii) authorizing execution of documentation implementing conveyance of the property and the effectuation of the transactions contemplated therein (iii) providing that, following the execution of the documentation and the conveyance, the property shall be under the jurisdiction of the Recreation and Park Commission to be administered by the San Francisco Recreation and Park Department and (iv) authorizing the Mayor's Office of Housing to accept and expend a voluntary contribution $1,000,000 for the acquisition or construction of permanent affordable single room occupancy housing in San Francisco.

(No fiscal impact.)

6/17/03, RECEIVED AND ASSIGNED to Land Use Committee.
7/7/03, AMENDED. Heard in Committee. Speaker: John Kennedy, Deputy City Attorney.
Amended on page 1, line 13; page 6, lines 6, 9 and 14; and page 9, lines 7 and 12, by deleting "Affordable."
7/7/03, CONTINUED TO CALL OF THE CHAIR AS AMENDED.
7/14/03, CONTINUED TO CALL OF THE CHAIR. Speakers: None.

8. 031100 [Planning Code Amendment--Mining Exchange Building Setback]

Mayor

Ordinance adopting findings; and amending Appendix B to Article 11 of the San Francisco Planning Code to allow an addition over the San Francisco Mining Exchange Building set back no less than thirty (30) feet from Bush Street.

(No fiscal impact; Planning Commission Resolution No. 16275, adopted November 8, 2001, recommending approval.)

6/17/03, RECEIVED AND ASSIGNED to Land Use Committee.
7/7/03, CONTINUED TO CALL OF THE CHAIR. Speakers: None.
7/14/03, CONTINUED TO CALL OF THE CHAIR. Speakers: None.

ADJOURNMENT

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NOTE:
Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the general plan amendments or planning code and zoning map amendments described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

LEGISLATION UNDER THE 30-DAY RULE

(Not to be considered at this meeting)

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There are no items now pending under the 30-day rule.

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[Budget Analyst Report]
Susan Hom
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CITY AND COUNTY OF SAN FRANCISCO

BOARD OF SUPERVISORS

BUDGET ANALYST

1390 Market Street, Suite 1025, San Francisco, CA 94102 (415) 554-7642
FAX (415) 252-0461

.73

9/03

September 24, 2003

TO: Land Use Committee

FROM: Budget Analyst

SUBJECT: September 29, 2003 Land Use Committee Meeting

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Item 3 - File 03-1434

Department: Port Commission (Port)

Item: Resolution approving an Exchange Agreement with the State Lands Commission that would remove the Public Trust and Burton Act Trust from approximately 0.52 acres (approximately 22,600 square feet) of unimproved real property located on Seawall Lot 330 at the corner of Bryant and Beale Streets, and in turn would place the Public Trust and Burton Act trust on approximately 8.77 acres (approximately 381,437 square feet), under the jurisdiction of the Port, located between Maryland Street, Cesar Chavez Street, and 25th Street, on the eastern portion of the Western Pacific Parcel.

Description: The proposed resolution would approve an Exchange Agreement between the City and the State Lands Commission, which would remove the Public Trust and Burton Act Trust from approximately 0.52 acres of property located on Seawall Lot 330 at the corner of Bryant and Beale Streets under the jurisdiction of the Port (the Exchange Parcel) and place the Public Trust and the Burton Act Trust on approximately 8.77 acres of

property under the jurisdiction of the Port located between Maryland Street, Cesar Chavez Street and 25th Street (the Receiving Parcel).

The proposed Exchange Agreement would remove the Exchange Parcel from the Public Trust, which would, in turn, allow the Port to proceed with the sale of the Exchange Parcel to a private developer, San Francisco Cruise Terminal, LLC, as previously approved by the Board of Supervisors in July of 2003 (File 03-0371). The subject Exchange Parcel is to be used for the development of condominium housing. Because the Public Trust and Burton Act Trust prohibit the sale of Trust property and the use of Trust property for residential housing, the previously approved Board of Supervisors resolution (File 03-0371) states that, as a condition of the sale of the subject property by the Port to San Francisco Cruise Terminal, LLC, the Public Trust and Burton Act Trust must be removed from the subject property, through the proposed Exchange Agreement approved by the Port Commission, the Board of Supervisors and the California State Land Commission.

In 1987, the State Legislature adopted legislation, which authorizes the City, subject to State Lands Commission approval, to exchange property, which is under the jurisdiction of the City and subject to the Public Trust and Burton Act Trust, for City-owned property, which is not subject to the Public Trust and Burton Act Trust, under certain conditions. The City may exchange trust property for other City-owned property if the trust property:

(a) is landfill or other land reclaimed from the Bay;
(b) is cut off from access to the Bay waterfront;
(c) represents a relatively small portion of the granted tide and submerged lands;
(d) is no longer needed or required for the promotion of the of the trust;
(e) can be removed form the trust without causing any substantial interference with trust uses and purposes; and
(f) has a value less than or equal to the value of the receiving property.

Mr. John Doll of the Port states that the subject Exchange Parcel meets these terms. According to Mr. Doll, the Receiving Parcel, which consists of approximately 8.77 acres, has an appraised value of $9,438,000 and the Exchange Parcel, which consists of approximately 0.52 acres, has an appraised value of $9,300,000, which is $138,000 or approximately 1.5 percent less than the appraised value of the Receiving Parcel. Mr. Doll states that an independent appraiser, Clifford & Associates, conducted the appraisal of both properties. The Attachment is a summary of the appraisal on the Exchange Parcel and the Receiving Parcel.

Comments:

1. Under the terms of the Exchange Agreement, the State would quitclaim its Public Trust interest in the Exchange Parcel upon approval of the proposed Exchange Agreement by the Board of Supervisors. According to Mr. Neil Sekhri of the City Attorney's Office, upon such quitclaim, the City would be legally empowered to sell the Exchange Parcel which is necessary to complete the sale of the subject Parcel to San Francisco Cruise Terminal, LLC, as previously authorized by the Board of Supervisors under File 03-0371.

2. Under the Exchange Agreement, the proposed exchange would place the Public Trust and Burton Act Trust on the 8.77 acre Receiving Parcel. According to Mr. Doll, the Public Trust and the Burton Act Trust would allow the Port to use this Receiving Parcel for any use consistent with the Public Trust. Such uses could include maritime uses to support the Port's existing marine terminal at the adjacent Pier 80, including warehouse space, loading docks, and parking areas to support onloading and offloading bulk shipping activities at Pier 80. According to Mr. Doll, the proposed Exchange Agreement does not authorize development on the Receiving Parcel. Mr. Doll states that any future development on the Receiving Parcel would require Port Commission approval and any leases or contracts affecting the Receiving Parcel in excess of 10 years or $1,000,000 in revenues would require Board of Supervisors approval.

Recommendation: Approval of the proposed resolution is a policy matter for the Board of Supervisors.

John C. Clifford, MAI

CLIFFORD ASSOCIATES
REAL ESTATE APPRAISAL · ADVISORY · ARBITRATION

September 15, 2003

Mr. Ken Winters
Director of Property
San Francisco Real Estate Department
25 Van Ness Avenue, Suite 400
San Francisco, CA 94102

Re: Appraisal Report
8.77 acre portion of the Western Pacific Site
San Francisco, CA

Dear Mr. Winters:

Subsequent to your request and authorization, I have completed an appraisal to estimate the Market Value representing the Fee Simple Interest in the 8.77 acre portion of the Western Pacific Site.

The Western Pacific Site contains approximately 30 acres of land within upland paper lots and streets, adjacent to the San Francisco Bay shoreline. The property is zoned M-2, Heavy Industrial District, and lies within the Southern Waterfront Planning Area allowing a broad range of industrial and commercial land uses.

The subject property comprises only the eastern portion of the Western Pacific site totaling 8.77 acres. The subject excludes the western 17 acres of the WP site designated for use for the MUNI Metro East project site. According to a recent survey prepared by the Port of San Francisco, the 125' shoreline band that is already subject to the public trust that contains a gross area of 3.32 acres, and 0.8 acres located in 25th Street along with .33 acres in 26th Street and Massachusetts Street is also excluded. Consequently, the subject net acreage revealed by the survey totals 8.77 acres. The neighborhood boundaries include by San Francisco Bay on the east, Army Street (Cesar Chavez) and Islais Creek to the south, Third

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E-mail: jcclif@pacbell.net

Street to the west, and 25th Street to the northeast. Based upon the discussion and analysis presented herein, it is concluded that low-rise industrial business park represents the highest and best use of the subject property.

In order to appraise this property, an inspection of the subject property has been completed, and trends of land uses were observed in the area. Comparable land sales were researched and development trends were investigated to complete the necessary market valuation analysis presented herein.

The appraiser acknowledges the assistance and reliance upon numerous documents provided by the City and County of San Francisco Department of Real Estate (City), and the Port of San Francisco (Port).

Based upon the analysis of the available information, the Market Value of the Fee Simple Interest in the subject property as described herein, as of September 1, 2003, estimated to be:

NINE MILLION FOUR HUNDRED THIRTY EIGHT THOUSAND DOLLARS

$9,438,000

The narrative report continues with a Summary of Salient Facts and Conclusions, and contains 41 pages, along with addenda. The valuation stated herein is subject to the conditions and assumptions stated on the following pages. In addition, the report has been made in conformity with the Uniform Standards of Professional Appraisal Practice (USPAP), and is subject to the requirements of the Code of Ethics and the Standards of Professional Conduct of the Appraisal Institute.

Respectfully submitted,

CLIFFORD ASSOCIATES

John C. Clifford, MAI
SCGREA Certificate No. AG007177

CLIFFORD ASSOCIATES

REAL ESTATE APPRAISAL • ADVISORY • ARBITRATION

February 28, 2003

Mr. Marc McDonald
Director of Property
San Francisco Real Estate Department
25 Van Ness Avenue, Suite 400
San Francisco, CA 94102

RE: Appraisal Report
Seawall Lot 330 (portion)
Embarcadero / Bryant Street
San Francisco, CA

Dear Mr. McDonald:

Subsequent to your request and authorization, I have completed an appraisal to estimate the Market Value of the Fee Simple Interest in a .5 acre portion of the Seawall Lot 330 development site located at Bryant and the Embarcadero in the City of San Francisco, California.

The entire Seawall Lot 330 block is under the ownership of the City and County of San Francisco. It encompasses the entire triangular Seawall Lot 330 which contains a total area of approximately 2.85 acres or 123,956 SF. The total area is further divided between approximately 111,111 SF within the triangular block area, and approximately 12,845 SF within a vacated portion of Main Street. It is noted the vacated area was also released from the State Lands Trust in 2001 as stipulated in AB 1389. It is proposed for residential development supporting a total of 350 units, including 213 units within a residential complex with two mid-rise structures, and 137 units within a 20-story tower structure. Overall, the proposed development reflects a density of 122 units/acre.

The subject property encompasses only the northwest portion of the triangular Seawall Lot 330, adjacent to the corner of Bryant Street and Beale Street. For purposes of this analysis, it is understood the subject contains a total area of approximately .5 acre or 22,000 SF, and is designated for development of 137 units within a 20-story tower structure. Overall, the proposed development reflects a density of 274 units/acre.

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[illegible] Valley Circle • Novato, California 94949 • (415) 884-8020 • Fax 884-[illegible]
email: [illegible]@[illegible].net

In order to appraise this property, I have completed an inspection of the subject property, reviewed property records, and observed trends of land uses in the area. In addition, comparable land sales for similar properties were investigated.

Based upon the analysis of the available information, the Market Value of the Fee Simple Interest in the subject property as described herein as of February 25, 2003, is estimated to be:

NINE MILLION THREE HUNDRED THOUSAND DOLLARS

$9,300,000

The summary report of the complete appraisal, continues with a Summary of Salient Facts and Conclusions, and contains 37 pages, along with addenda. The valuation stated herein is subject to the conditions and assumptions stated on the following pages. In addition, the report conforms with the Uniform Standards of Professional Appraisal Practice (USPAP), the requirements of the Code of Ethics and the Standards of Professional Conduct of the Appraisal Institute.

Respectfully submitted,

CLIFFORD ASSOCIATES

John C. Clifford, MAI
SCGREA Certificate No. AG007177

Items 6 and 7 - Files 03-1099 and 03-1098

Department: Recreation and Parks Department (REC)
Mayor's Office of Housing (MOH)

Items: **File 03-1099:** Resolution adopting environmental findings (and a statement of overriding considerations) pursuant to the California Environmental Quality Act (CEQA) and State guidelines in connection with the office projects for 350 Bush Street and 500 Pine Street, including the expansion of St. Mary's Square Park and the amendment to Appendix B to Article 11 – Category II Buildings of the Planning Code.

File 03-1098: Resolution in conjunction with the development of the office projects at 350 Bush Street and 500 Pine Street: (i) approving the conveyance of a parcel of property to the City, which parcel shall be improved and maintained by the parcel owners, 500 Pine Street LLC and 350 Bush Street LLC, as a public rooftop park to expand the adjacent St. Mary's Square Park at no cost to the City, pursuant to the terms of established documentation developed by the City Attorney's Office and the projects' sponsors; (ii) authorizing execution of documentation implementing conveyance of the property and the effectuation of the transactions contemplated therein; (iii) providing that, following the execution of the documentation and the conveyance, the Park shall be under the jurisdiction of the Recreation and Park Commission to be administered by the San Francisco Recreation and Park Department; and (iv) authorizing the Mayor's Office of Housing to accept and expend a voluntary cash contribution from 350 Bush Street LLC of $1,000,000 for the acquisition, construction, or rehabilitation of permanent affordable single room occupancy housing in San Francisco.

Description: 500 Pine Street LLC (Pine LLC) has obtained Planning Commission approval to build a 4.5-story office building at 500 Pine Street, at the corner of Pine and Kearny Streets adjacent to the St. Mary's Square Park (Pine Project). 350 Bush Street LLC (Bush LLC), an affiliate of Pine LLC, has obtained Planning Commission approval to build a 19-story office building at 350 Bush Street,

between Montgomery and Kearny Streets, extending across the block to Pine Street into space currently occupied by three unreinforced masonry buildings which will be demolished[1] (Bush Project). According to Ms. Rachel Horsch of Pillsbury Winthrop LLP, the attorneys for Bush LLC, both Pine LLC and Bush LLC are joint ventures between two family-owned property development companies, the Shorenstein Company and the Swig Company. Ms. Horsch advises that construction for the Pine and Bush Projects would commence in 2004 at the earliest.

The Pine Project and Bush Project properties are within approximately one block of each other, but they are not adjoining. Part of the 350 Bush Street site is occupied by the historic Mining Exchange Building which the Bush Project would rehabilitate, seismically reinforce, and adaptively reuse. In order to incorporate the Mining Exchange Building into the Bush Project, the proposed resolution (File 03-1099) would amend the Planning Code, Appendix B, Article 11 – Category II Buildings to allow the Bush Project to incorporate the Mining Exchange Building with a setback of between 60 and 30 feet over the Mining Exchange Building.

In order to (a) fully satisfy the Pine Project's open space requirements, (b) partially satisfy the Bush Project's open space requirements,[2] and (c) mitigate the Bush Project's shadow impact on St. Mary's Square Park, Pine LLC will convey 1,000 square feet (approximately 16.32 percent of the total rooftop park parcel) and Bush LLC will convey 5,127 square feet (approximately 83.68 percent of the total rooftop park parcel) to the City after the construction of a 6,127 square foot, publicly accessible, rooftop park on top of the 500 Pine Street building. This rooftop park, which will be constructed and maintained by Pine LLC and Bush LLC, at no cost to the City, will serve

[1] According to Ms. Rachel Horsch of Pillsbury Winthrop, LLP, these three buildings are currently vacant.

[2] According to Ms. Hazel Brandt of the City Attorney's Office, the balance of the Bush Project's open space requirements will be satisfied in accordance with the conditions of approval related to the Bush Project which provide for two additional open space areas on site, including an exterior area near the Pine Street entrance and an interior area located inside the historic Mining Exchange Building.

as an expansion to the adjoining St. Mary's Square Park which is on the roof of a building immediately next to the Pine Project site. Upon completion of the Pine Project, the two roofs will be at the same level. The rooftop park expansion parcel will be under the jurisdiction of the Recreation and Park Commission, which is currently responsible for St. Mary's Square Park.

In addition to complying with all City requirements related to the Pine Project and the Bush Project, Bush LLC will make a voluntary $1,000,000 cash contribution to the City for use by the Mayor's Office of Housing to support efforts within the City to create, rehabilitate, or otherwise make available affordable, single room occupancy housing, with a preference given to those neighborhoods in the vicinity of 350 Bush Street (see Comments No. 4 through 7). The proposed resolution under File 03-1098 would authorize the Mayor's Office of Housing to accept and expend the $1,000,000 voluntary cash contribution. Board of Supervisors approval for acceptance and expenditure of these funds would not be required.

Comments:

1. Pine LLC, Bush LLC, REC, and the City Attorney's Office have jointly developed agreements which, subject to Board of Supervisors approval, require Pine LLC and Bush LLC to:

- Construct, at no cost to the City, a 6,127 square foot rooftop park at 500 Pine Street to expand the adjacent St. Mary's Square Park in accordance with plans approved by the Recreation and Park Commission. According to Ms. Hazel Brandt of the City Attorney's Office, the Property Transfer Agreement does not specify construction commencement or completion dates for the rooftop park expansion because such dates are unknown while Pine LLC and Bush LLC currently undergo the necessary site and building permitting processes. However, Ms. Brandt advises that the Property Transfer Agreement does obligate Pine LLC and Bush LLC to (a) deliver to the City a construction schedule after issuance of the Pine Project site permit, (b) use good faith efforts to complete construction of the Pine Project on or before

the last date allowed for completion in the Pine Project site permit, when it is finally issued, and (c) deliver various documents into escrow prior to issuance of a site permit for construction of the Bush Project. These documents include the grant deed conveying the rooftop park expansion parcel to the City, the Cost Reimbursement Agreement (see below), and a Completion Bond acceptable to the City. Ms. Brandt advises that the Completion Bond will guarantee lien-free completion of the Pine Project, including improvements to the rooftop park expansion parcel pursuant to the plans approved by the Recreation and Park Commission. Ms. Brandt states that the purpose of placing these documents into escrow is to provide security, prior to the issuance of a site permit for the larger Bush Project, for (a) the completion of construction of the Pine Project building, the rooftop park expansion parcel, and the rooftop park improvements, and (b) the subsequent transfer of the rooftop park expansion parcel to the City.

- Convey to the City a fee interest[3] in the proposed rooftop park expansion as a public park. Such a fee interest would cease only if the City stopped using the rooftop park expansion parcel for public recreation purposes or prevented code-compliant public access to the rooftop park expansion parcel. If the fee interest ceased for either of those reasons, ownership of the rooftop would revert to Pine LLC and Bush LLC.
- Be responsible for the rooftop park expansion parcel's future operation, maintenance, insurance, repair and replacement. Ms. Brandt advises that the *Declaration Establishing Reciprocal Easements, Covenants, Conditions and Restrictions Running With The Land* ("the Declaration") between Pine LLC and Bush LLC will (a) encumber the Pine building parcel, the Pine rooftop park expansion parcel, and the Bush project parcel, and (b) make Pine LLC responsible for the rooftop park expansion parcel's future operation, maintenance, insurance, repair and replacement.[4] Ms.

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[3] Ms. Horsch advises that a "fee interest" is the actual ownership of the interest in the land, as opposed to easements, land usage rights, or airspace rights.

[4] Section 4.1 of the Declaration states that "The Expansion Area Parcel shall be operated, maintained, repaired and replaced as provided in this Master Declaration by the Performing Parcel Owner" defined by Section 4.1.2 as the Pine LLC or its successor. Section 4.1.1 states that the

Brandt advises that the Declaration specifically states that the parties intend that the City, as the future owner of the rooftop park expansion parcel which will be under the jurisdiction of the Recreation and Park Commission, will not be responsible for expenses relating to the ongoing operation, maintenance, and insurance of, or repairs to, the rooftop park expansion parcel. Ms. Brandt advises that the annual cost to Pine LLC and Bush LLC of these operational functions has not yet been estimated by Pine LLC and Bush LLC. However, Ms. Brandt advises that any operational costs would legally be the full responsibility of Pine LLC and Bush LLC, or subsequent owners of the Pine Project and the Bush Project, in accordance with the terms of the Declaration.

- Provide the City with easements for emergency egress, operation, and structural support.
- Reimburse the City for all costs incurred by City staff to develop the above agreements and to perform other tasks related to the property transfer. Ms. Brandt advises that the City's estimated budget for such costs was $156,319 as of June 17, 2003. However, Ms. Brandt notes that this budget is preliminary and may be modified over time. Pursuant to the Cost Reimbursement Agreement, Pine LLC and Bush LLC must deposit with REC the amount to be reimbursed representing (a) 100 percent of the transaction costs incurred by the City as of the effective date of the Cost Reimbursement Agreement (this date has not yet been determined), plus (b) 100 percent of the estimated

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Performing Parcel Owner is responsible for "the maintenance and repair of the Park Improvements described in Section 4.2, the procurement of the Project Insurance described in Section 4.3, the levying, collecting and enforcing of Assessments described in Section 4.5 and Article VI, and the actions to be taken in the event of condemnation, damage or destruction described in Article V." Section 4.7 states that "It is the intent of the parties hereto [Pine LLC and Bush LLC] that in no event shall the City be responsible for expenses relating to the ongoing maintenance of or repairs to the Expansion Area Parcel ... [T]he Responsible Parcel Owners are ... responsible for expenses relating to Project insurance, maintaining, cleaning, repairing, and replacing the Park Improvements, and the Expansion Area Parcel Owner [to be the City in the future] is not a Responsible Parcel Owner and is therefore not responsible for payment of any Expansion Area Parcel Expenses ..." with the exception of the following costs not covered by Project Insurance: (a) repairs to damage caused by City employees or agents, (b) future park usage regulations determined by the City, and (c) changes to the park improvements required by the City.

costs to be incurred within the following six months.[5] Thereafter, Pine LLC and Bush LLC will supplement this deposit on a quarterly basis, in accordance with the City's anticipated transaction costs for that quarter. Ms. Brandt advises that to the extent that other City departments' costs have not already been paid by REC, then REC will forward payment to the appropriate departments.

2. The Declaration also provides for a mediation and arbitration provision, and certain indemnity obligations resulting from the proposed rooftop park parcel and the Pine building parcel occupying a single physical structure and therefore requiring reciprocal easements, covenants, and restrictions to provide for joint use, management, governance, and operation. Ms. Brandt advises that when the City takes title to the rooftop park parcel, the parcel will be encumbered by the Declaration and the City, as a parcel owner, will be subject to the mediation and arbitration provision, and two limited indemnification obligations that are commercially standard in such joint use arrangements:

- Under the Declaration, each respective parcel owner including the City after it takes title to the rooftop park expansion parcel, must indemnify the other parcel owners against any claims, costs, and losses resulting from any one of the parcel owners contesting any tax or assessment affecting its parcel. The attached memorandum provided by Ms. Brandt (Attachment I) explains why this indemnity is required. As stated in Attachment I, since the

[5] Section 2 of the Cost Reimbursement Agreement states that Pine LLC and Bush LLC have agreed to reimburse the Recreation and Park Department "all of the reasonable expenses incurred by the Park Department ... to (i) gather and review information necessary, and negotiate and present for consideration and action at the Park Department, Park Commission, Planning Commission, and the City's Board of Supervisors, as necessary, and proposed Square Expansion Documents and/or Project Documents, and (ii) perform other tasks related to the improvement of the Expansion Area and its transfer to City (collectively, the "Transaction Costs"). Transaction Costs shall include, without limitation, the (a) fees and expenses of the City Attorney's Office staff (at the rates customarily charged by the City Attorney's Office to other City departments), Park Department staff, and other City staff, (b) fees and expenses of such outside counsel and third-party consultants, advisors and professionals (including, but not limited to, financial advisors, real estate and urban economic consultants, and development consultants) ... and (c) costs incurred by the Park Department related to public outreach and information in any communities or other parts of the City."

Declaration runs with the land, the City will be subject to this indemnity obligation once it accepts title to the rooftop park expansion parcel. However, since the City is the local assessor for tax purposes, Ms. Brandt advises that it is unlikely that the City's indemnity obligation would arise during the City's ownership of the rooftop park expansion parcel. Similarly, Pine LLC and Bush LLC, as parcel owners, must indemnify the City and each other from any claims, costs, and losses resulting from Pine LLC or Bush LLC contesting any tax or assessment on their respective parcels.

- The City must indemnify Pine LLC and Bush LLC from, and defend them against, any claims, costs, and losses resulting from the City breaching its covenant related to the use of hazardous materials in the rooftop park expansion parcel. Similarly, Pine LLC must indemnify the City from any claims, costs, and losses resulting from Pine LLC breaching its covenant relating to the use of hazardous materials in the building parcel.
- A commercially standard mediation and arbitration provision to resolve disputes related to defaults under the above agreements.

3. As explained in the attached memorandum from Mr. Robert McDonald of REC (Attachment II), the Bush Project will create 96,296,233 solar year square foot hours of new shade on St. Mary's Square Park during the early morning hours during certain days of the year. Mr. McDonald advises that the amount of sunlight hours added by the proposed rooftop park expansion would exceed the amount of shadow hours added by the Bush Project by 11,690,457 solar year square foot hours. Mr. McDonald advises that St. Mary's Square Park is currently underutilized because of the Park's lack of sunlight during the middle of the day. Mr. McDonald anticipates that the proposed new rooftop park expansion will increase the utilization of St. Mary's Square Park because the proposed rooftop park expansion will provide new sunlit areas for use during the middle of the day.

4. In addition to complying with all City approvals related to the Pine Project and the Bush Project, Bush

LLC would make a voluntary cash contribution of $1,000,000 to the City for use by the Mayor's Office of Housing to support efforts within the City to create, rehabilitate, or otherwise make available affordable, single room occupancy housing, particularly in the vicinity of 350 Bush Street. Ms. Brandt advises that this proposed voluntary cash contribution is the result of a separate private agreement between Bush LLC and non-profit housing advocates, and is designed to address local community concerns. Mr. Joe LaTorre of the Mayor's Office of Housing advises in the attached memorandum (Attachment III) that the voluntary cash contribution in the amount of $1,000,000 will be allocated by the Mayor's Office of Housing using a Notice of Funding Availability (NOFA) which will specify the conditions applicable to those funds. Using the NOFA, the Mayor's Office of Housing will solicit applications from developers and will review those applications through its normal staff process. Recommendations for funding specific projects will be made by the Interdepartmental Loan Committee[6] to the Mayor. Mr. LaTorre advises that, as of the writing of this report, neither Bush LLC nor the City have specified the number of affordable, single room occupancy housing units to be created, rehabilitated, or otherwise made available as a result of the $1,000,000 voluntary cash contribution. Mr. LaTorre also advises both non-profit and for-profit affordable housing developers will be eligible to apply for funds.

5. Ms. Horsch provided the following information:

- Bush LLC is making the voluntary cash contribution because of concerns it shares with non-profit housing advocates that (a) San Francisco requires more affordable housing, and (b) the Bush Project would result in the demolition of the former Temple Hotel at 469 Pine Street which had, in the past, been a combined residential and tourist hotel. Ms. Horsch

[6] The Interdepartmental Loan Committee is comprised of the Director of the Mayor's Office of Housing, the Director of the Redevelopment Agency, and the Director of the Mayor's Office of Homelessness. Mr. LaTorre advises that if the NOFA calls for both housing and supportive services, which would be likely for single resident occupancy housing, then representatives from the Department of Human Services and the Department of Public Health would also sit on the committee to review the developers' applications.

advises that Bush LLC permanently removed the Temple Hotel from the residential market under the Ellis Act during CY 1999. Ms. Horsch states that Bush LLC assisted the displaced residents with greater financial assistance than was required by the Ellis Act and with housing placement assistance from non-profit housing agencies. Ms. Horsch advises that the voluntary cash contribution of $1,000,000 for the creation of affordable housing in the vicinity of the Bush Project is a continuation of the Shorenstein and Swig families' ongoing interest in funding initiatives which would create more affordable housing in the City.

- The disbursement of the $1,000,000 is in two parts because each disbursement is linked to key landmarks in the Pine Project and the Bush Project (see Comment No. 7).

6. Mr. Randy Shaw of the Tenderloin Housing Clinic advises that the non-profit housing advocates involved in negotiating the Bush LLC voluntary cash contribution were the Tenderloin Housing Clinic and the Chinatown Center for Community Development. Mr. Shaw states that the Tenderloin Housing Clinic originally became involved in the Bush Project when attorneys from the Tenderloin Housing Clinic represented Temple Hotel tenants facing eviction by the owners, the Shorenstein Company, under the Ellis Act. Mr. Shaw advises that the evicted tenants obtained additional financial compensation from the Shorenstein Company and some of the tenants received accommodation placement assistance. Mr. Shaw advises that following the litigation settlement, the Tenderloin Housing Clinic and the Chinatown Center for Community Development undertook lengthy negotiations with Bush LLC to fund affordable housing initiatives, particularly in the vicinity of the Bush Project.

7. According to Mr. Shaw, Bush LLC's voluntary cash contribution of $1,000,000 to the City, plus a separate cash contribution of $120,000 from Bush LLC directly to

the Tenderloin Housing Clinic,[7] for a total cash contribution of $1,120,000, represents the current, inflation-adjusted value of compensation which the Tenderloin Housing Clinic and the Chinatown Center for Community Development state that the Shorenstein Company should have paid the City for permanently removing the Temple Hotel's 64 residential units from the residential market. However, Mr. Shaw emphasizes that the Shorenstein Company was under no legal authority to pay such compensation because the Shorenstein Company filed paperwork with the Rent Control Board to permanently remove housing from the residential market, as required under the Ellis Act, prior to January 1, 2000. Therefore, the Shorenstein Company was not required to provide replacement housing for the 64 residential units permanently removed from the residential market since such a replacement housing requirement only came into effect as of January 1, 2000, under an amendment to the Ellis Act.

According to Mr. Shaw, although the Shorenstein Company was not legally obligated to fund housing to replace the Temple Hotel's 64 residential units permanently removed from the residential market, Bush LLC has chosen to donate to the City and the Tenderloin Housing Clinic an equivalent amount of money ($1,120,000 in current value).

8. According to the proposed legislation, the $1,000,000 voluntary cash contribution from Bush LLC will be provided in two parts:

- $280,000, which was placed in escrow by Bush LLC in December of 2001, will be released to the City, for use by the Mayor's Office of Housing, within two days of the later of (a) Board of Supervisors approval of the proposed subject resolutions, or (b) the issuance by the Department of Building Inspection of three demolition permits for the unreinforced masonry buildings located at 447, 451-453, and 465-469 Pine Street on the Bush Project site.

[7] Mr. Shaw advises that the $120,000 will be used to fund the Tenderloin Housing Clinic's organizing activities for tenants of residential hotels which are slated to be closed.

- $720,000 will be contributed to the City, for use by the Mayor's Office of Housing, within two business days after the issuance by the Department of Building Inspection of a site permit for the Bush Project.

9. Ms. Brandt and Ms. Horsch both advise that if Bush LLC does not make the voluntary cash contribution of $1,000,000, there would be no impact on either the City's approval process or the conveyance of the rooftop park parcel to the City because the voluntary cash contribution of $1,000,000 was not required by the City and the City was not party to the private agreement between Bush LLC, the Tenderloin Housing Clinic, and the Chinatown Center for Community Development. Ms. Horsch states that non-payment of the cash contribution would only affect that private agreement. Ms. Brandt emphasizes that the cash contribution of $1,000,000 to the City is voluntary.

10. As stated in Attachment III, Mr. LaTorre advises that due to the uncertainty about when the voluntary cash contribution will be received by the City, the $1,000,000 is not budgeted for expenditure in any particular year(s). The proposed subject resolution (File 03-1098) authorizes the Mayor's Office of Housing authority to accept and expend the $1,000,000 of funds when they are received and such funds, as noted above, would not be subject to further Board of Supervisors approval. The Budget Analyst notes that "accept and expend" resolutions usually require Board of Supervisors approval and are usually accompanied by detailed budgets, project descriptions, and timelines, none of which are currently available. Therefore, the Budget Analyst recommends that the subject resolution (File 03-1098) be amended to require Board of Supervisors approval to accept and expend the voluntary cash contribution of $1,000,000.

11. The Planning Commission found that both the Pine and Bush Projects are in conformance with the City's General Plan and the Eight Priority Policies of the City Planning Code Section 101.1, and compliant with the California Environmental Quality Act (CEQA) and CEQA Guidelines.

Recommendations:

1. Amend the proposed resolution (File 03-1098) to require Board of Supervisors approval to accept and expend the voluntary cash contribution of $1,000,000 from Bush LLC, in accordance with Comment No. 10 above.

2. Approval of the proposed resolutions, as amended, is a policy matter for the Board of Supervisors.

Harvey M. Rose

cc: Supervisor McGoldrick
Supervisor Maxwell
Supervisor Ammiano
Clerk of the Board
Controller
Ben Rosenfield
Ted Lakey

Attachment I

CITY AND COUNTY OF SAN FRANCISCO

DENNIS J. HERRERA
City Attorney

OFFICE OF THE CITY ATTORNEY

HAZEL BRANDT
Deputy City Attorney

DIRECT DIAL: (415) 554-4725
E-MAIL: hazel.brandt@sfgov.org

MEMORANDUM
PRIVILEGED & CONFIDENTIAL

TO: Alan Gibson, Budget Analyst's Office

FROM: Hazel Brandt
Deputy City Attorney

DATE: September 3, 2003

RE: St. Mary's Square – Files 03-1098 and 03-1099

In connection with the above referenced matter, your office has requested a memorandum regarding a reciprocal indemnity obligation contained in that certain Declaration Establishing Reciprocal Easements, Covenants, Conditions and Restrictions Running With the Land (the "Declaration") between Pine LLC and Bush LLC.

Because the rooftop park parcel and the Pine Building parcel comprise a single physical structure and are an integral part of a single project, Pine LLC and Bush LLC intend to enter into the Declaration to establish and create easements, covenants, conditions and restrictions to provide for the joint use, management, governance and operation of the project as a single architectural entity. The Declaration will encumber the rooftop park parcel, the remainder of the Pine building and the Bush project, and the rights and obligations contained in the Declaration will run with the land and be binding upon all subsequent owners of the encumbered parcels, including the City once it acquires the rooftop park parcel.

The Declaration provides, in part, for a limited reciprocal indemnification obligation regarding the contesting of real property taxes by the respective parcel owners. As a general matter, each parcel owner is required to pay any real property taxes and other special taxes and assessments levied or assessed against their respective parcel (see Section 3.4.1). And, each parcel owner has the right to contest in good faith any taxes or assessments affecting its parcel; provided, however, the contesting parcel owner must indemnify and hold harmless the other parcel owners from and against any loss, cost, damage, injury or expense relating to such contest (see Section 3.4.2).

This type of provision is commercially standard in such joint use arrangements, and it establishes a structure for allowing each parcel owner the ability to contest taxes affecting its parcel, while protecting the other parcel owners from loss or expense related to that contest. Since the City will be the local assessor for tax purposes, it is unlikely that any indemnity obligation will arise with respect to the City's parcel. However, City will receive the benefit of being indemnified with respect to any contest by the other parcel owners.

FOX PLAZA · 1390 MARKET STREET, SUITE # OR FLOOR # · SAN FRANCISCO, CALIFORNIA 94102-5408
RECEPTION: (415) 554-???? · FACSIMILE: (415) 554-????

City and County of San Francisco Recreation and Park Department

DATE: August 26, 2003

TO: Alan Gibson, Budget Analysist Office

FROM: Robert McDonald, Recreation and Park Department

RE: St. Mary's Square Expansion and St. Mary's Park Shadow Impact Analysis

Shadow Anaysis:

Shadow Impact of 350 Bush Street on the Square without Mitigation

In summary, the proposed building at 350 Bush Street (the "Building") would add new shadow to the southwestern edge of Saint Mary's Square (the "Square") for approximately two months in the fall and two months in the spring in the early morning hours. The total solar year square foot hours of new shade created by the Building would be 96,296,233. The Building would not create any new shadow on the Square after 10:00 a.m. at any time of the year and would create no additional shadow over the lunchtime. The maximum new shadow created by the Building would occur on October 4 at 8:30 a.m. when a maximum of about 8,313 square feet of new shadow or about 2,078 solar year square foot hours would land on the Square. The total solar year square foot hours of the Square are 183,960,285 (the total sun on the Square plus the total shade on the Square). Therefore without mitigation the new shadow as a percentage of the total existing park would be 16 percent without mitigation. This minimal increase however would not be permitted as St. Mary's Square has been designated a zero tolerance park under Proposition K.

Mitigation Effect of Expansion

In response to the zero tolerance issue, the project sponsor proposes to convey to the City, as an expansion of the Square, 5,127 square feet of new park area (the "Bush Open Space"). As a result of this expansion of the Square, the Building and the Bush Open Space (the "Project") will have a net effect of increasing the available sunlight on the Square. The Bush Open Space will be in sunlight (taking into account existing buildings and the Building) for 11,986,559 solar year square foot hours each year. Included in this new sunshine is a considerable amount of sunlit area during the noon hour. This additional sun is much needed by the Square, which currently provides very little available sunlit area during the lunch hour. Unlike many other downtown parks, the Square is underutilized during the lunch hour and it is believed that expansion of the available sunlit area will ameliorate this problem and provide for a much more usable park.

McLaren Lodge, Golden Gate Park
501 Stanyan Street
San Francisco, CA 94117-1898

FAX: (415) 666-7130
Phone: (415) 831-2700

The additional solar year square foot hours of sun from the Bush Open Space will exceed by 40 times the additional solar year square foot hours of shade from the building on the Square. As a result, the Project will result in a net increase in sunshine of 11,690,457 solar year square foot hours, rather than a net increase in shadow. The total solar year square foot hours of the expanded Square will be 203,128,934 (the total sun on the expanded Square plus the total shade on the expanded Square). Therefore with mitigation, the new *sun* as a percentage of the total park would be 5.76 percent.

Effect of Expansion by the Pine Open Space

An affiliate of the project sponsor proposes to convey to the City, as an expansion of the Square, 1,000 square feet of new park area (the "Pine Open Space"). As a result of this expansion of the Square, the net effect of the Project and the Pine Open Space will be increasing the available sunlight on the Square. The Pine Open Space will be in sunlight (taking into account existing buildings and the Building) for 2,420,236 solar year square foot hours each year. Included in this new sunshine is a considerable amount of sunlit area during the noon hour.

The additional solar year square foot hours of sun from the Pine Open Space and the Bush Open Space combined will exceed by 48 times the additional solar year square foot hours of shade from the Building on the Square. As a result, the Project plus the Pine Open Space will result in a net increase in sunshine of 14,110,693 solar year square foot hours, rather than a net increase in shadow. The total solar year square foot hours of the expanded Square will be 207,341,005 (the total sun on the expanded Square plus the total shade on the expanded Square). Therefore with mitigation, the new *sun* as a percentage of the total park would be 6.81 percent.

MAYOR'S OFFICE OF HOUSING
CITY AND COUNTY OF SAN FRANCISCO

WILLIE LEWIS BROWN, JR.
MAYOR

Daryl Higashi
DIRECTOR

MEMORANDUM

August 18, 2003

To: Alan Gibson, Budget Analyst

From: Joe LaTorre, Deputy Director

Subject: File 03-1098
Affordable Housing Contribution for St. Mary's Square Park Expansion

You have requested that the Mayor's Office of Housing provide a memorandum in connection with the above referenced legislation pending at the Board of Supervisors.

As we have discussed, the contribution of $1,000,000 by the developer to the City is a voluntary one, and the Mayor's Office of Housing did not negotiate with the developer or any other parties. We do not have information about the parties to any negotiations between the developer and community organizations, the issues which might have been discussed, the timing of the contribution, or the expectations of any of these parties. It is our understanding that the developer has determined the amount of the contribution and has specified, as a condition of making this gift to the City, that:

- The funds be received and expended by the Mayor's Office of Housing (MOH);
- The funds be utilized for the acquisition, renovation or construction of permanent affordable single room occupancy housing in San Francisco; and
- That a preference to be given in the expenditure of the funds to those neighborhoods that are within the vicinity of the Bush Property.

These conditions are recited in the Resolution.

The Mayor's Office of Housing is prepared to accept and expend the funds on the conditions stated, in the following manner:

- After the funds have been received by MOH, they will be allocated to a Notice of Funding Availability (NOFA) (along with funds from other sources). The NOFA will specify the conditions applicable to these funds (SRO housing, preference for projects in the vicinity of

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TDD (415) 252-3107

the project site, etc.).

- MOH will solicit applications from developers through the NOFA, and will review applications through our normal staff process. Funding recommendations will be made by the interdepartmental loan committee consisting of the Director of the Mayor's Office of Housing, the Director of the Redevelopment Agency, and the Director of the Mayor's Office of Homelessness. If the NOFA calls for both housing and supportive services (which would be likely for SRO housing), representatives of DHS and DPH will also sit on the loan committee for those applications.

- The loan committee will make recommendations to the Mayor for projects to be funded from the NOFA. Upon satisfaction of all conditions placed on the funding award by the developer, the City and developer would enter into a funding agreement which would incorporate all requirements necessary to comply with the conditions of the gift, along with other standard requirements for City funding.

Because of the uncertainty of when funds will be received, MOH has not budgeted the funds for expenditure in any particular year. It is also MOH's understanding that this resolution gives MOH authority to expend the funds when they are received without any further budgetary action.

Please let me know if you have any further questions.

City and County of San Francisco

Meeting Agenda

Land Use Committee

Members: Jake McGoldrick, Sophie Maxwell and Tom Ammiano

Clerk: Gail Johnson

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102 4689

Monday, October 06, 2003 | **1:00 PM** | **City Hall, Room 263**

Regular Meeting

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1) Legislation
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AGENDA CHANGES

REGULAR AGENDA

1. 031527 **[Accept-Expend Regional Grant]**
Resolution authorizing the Director of Transportation or his designee to accept and expend $157,000 in FY 03/04 Transportation Fund for Clean Air (TFCA) from the Bay Area Air Quality Management District (Air District) to stripe and sign bike lanes and purchase and install bicycle racks and to execute any and all associated documents. (Parking and Traffic Department)

(No Public Benefit Recipient.)

9/12/03, RECEIVED AND ASSIGNED to Land Use Committee

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2. 031528 **[Street Artist Hyde Street Spaces]**

Resolution re-designating seven (7) permanent selling spaces on Hyde Street, west side, Beach to Jefferson Streets; deleting seven (7) permanent selling spaces on Hyde Street, east side, Beach to Jefferson Streets; re-designating fourteen (14) selling spaces on Hyde Street, east side, Beach to Jefferson Streets; designating two (2) additional selling spaces on Hyde Street, east side, Beach to Jefferson Streets, for street artists certified by the Arts Commission, City and County of San Francisco; and exempting said seven spaces on Hyde Street, west side, Beach to Jefferson Streets, from Police Code Section 2405(c)(16) requiring street artists to maintain a minimum of eight feet of passageway for pedestrians. (Arts Commission)

(No Public Benefit Recipient.)

9/10/03, RECEIVED AND ASSIGNED to Land Use Committee.

3. 031608 **[Taxicab Gate Fees]**

Supervisor Hall

Ordinance amending Section 1135.1 of the Police Code to provide for extending from November 1, 2003 to January 1, 2004 the time for sunsetting the higher cap on taxicab gate fees if the City fails to enact an ordinance prescribing a long-term lease fee cap covering long-term lease drivers; and to authorize the Board of Supervisors by resolution to extend the times provided for in Section 1135.1 for sunsetting the higher gate fee cap.

9/23/03, RECEIVED AND ASSIGNED to Land Use Committee.

ADJOURNMENT

IMPORTANT INFORMATION

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LEGISLATION UNDER THE 30-DAY RULE

(Not to be considered at this meeting)

Rule 5.40 provides that when an ordinance or resolution is introduced which would CREATE OR REVISE MAJOR CITY POLICY, the committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction. The provisions of this rule shall not apply to the routine operations of the departments of the City or when a legal time limit controls the hearing timing. In general, the rule shall not apply to hearings to consider subject matter when no legislation has been presented, nor shall the rule apply to resolutions which simply URGE action to be taken.

There are no items now pending under the 30-day rule.

Meeting Procedures

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AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

翻譯 *必須在會議前最少四十八小時提出要求*
請電 (415) 554-7701

Disability Access

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In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The Sunshine Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Donna Hall; by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102 by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at Donna.Hall@sfgov.org
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Lobbyist Registration and Reporting Requirements

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San I
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NOTICE OF CANCELLED MEETING

LAND USE COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

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NOTICE IS HEREBY GIVEN that the meeting of the Land Use Committee scheduled for Monday, October 20, 2003, at 1:00 p.m., at 1 Dr. Carlton B. Goodlett Place, Room 263, City Hall, San Francisco, California, has been **cancelled**.

Gloria L. Young, Clerk of the Board

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City and County of San Francis

Meeting Agenda

Land Use Committee

Members: Jake McGoldrick, Sophie Maxwell and Tom Ammiano

Clerk: Gail Johnson

Monday, October 27, 2003 **1:00 PM** **City Hall, Room 263**

Regular Meeting

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Note: Each item on the Consent or Regular agenda may include the following documents:
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AGENDA CHANGES

REGULAR AGENDA

1. **031600** **[Commercial Vehicle Parking in Certain Use Districts]**
Ordinance amending Traffic Code by amending Sections 63 and 63 (a) thereof, relating to commercial vehicle parking in certain use districts. (Parking and Traffic Department)

9/18/03, RECEIVED AND ASSIGNED to Land Use Committee.

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2. 022032 [17th and Rhode Island Street Grocery Store Special Use Subdistrict]

Supervisor Maxwell

Ordinance amending the San Francisco Planning Code by adding Section 781.10 to create the 17th and Rhode Island Street Grocery Store Special Use Subdistrict, applicable to the newly rezoned NC-3 block (previously M-1) bounded by 17th Street, Rhode Island Street, Mariposa Street and Kansas Street (Assessor's Block 3978, Lot 1), to permit a neighborhood grocery store at 17th and Rhode Island and amending the Section 712 Zoning Control Table; adopting findings.

(9/16/03 in Board: Supervisor Maxwell submitted a substitute ordinance bearing new title.)
10/7/03 in Board: Supervisor Maxwell submitted a substitute ordinance bearing same title.

12/16/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 1/15/2003.
12/30/02, REFERRED TO DEPARTMENT. Transmitted to Planning Commission for public hearing and recommendation.
2/4/03, TRANSFERRED to Land Use Committee. New committee structure 2/17/03.
8/26/03, RESPONSE RECEIVED. Planning Commission Resolution No. 16632, adopted August 21, 2003, recommending approval, and amendment to Prohibit Nighttime Entertainment uses.
9/10/03, RESPONSE RECEIVED. Final Environmental Impact Report; Final Supplemental Environmental Impact Report.
9/16/03, SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing new title.
9/16/03, ASSIGNED to Land Use Committee.
10/7/03, SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing same title.
10/7/03, ASSIGNED to Land Use Committee.

3. 022031 [Zoning Map Amendment]

Supervisor Maxwell

Ordinance amending Section Maps 8 and 8SU of the Zoning Map of the City and County of San Francisco for the property described as Assessor's Block 3978, Lot 1, bounded by Rhode Island Street, 17th Street, Kansas Street and Mariposa Street, from M-1 (Light Industrial) to NC-3 (Moderate-Scale Neighborhood Commercial District) and the 17th and Rhode Island Street Grocery Store Special Use Subdistrict; adopting findings.

(9/16/03 in Board: Supervisor Maxwell submitted a substitute ordinance bearing new title; companion measure to File 022032.)

12/16/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 1/15/2003.
12/30/02, REFERRED TO DEPARTMENT. Transmitted to Planning Commission for public hearing and recommendation.
2/4/03, TRANSFERRED to Land Use Committee. New committee structure 2/17/03.
8/26/03, RESPONSE RECEIVED. Planning Commission Resolution No. 16631, adopted August 21, 2003, recommending approval.
9/10/03, RESPONSE RECEIVED. Final Environmental Impact Report; Final Supplemental Environmental Impact Report.
9/16/03, SUBSTITUTED. Supervisor Maxwell submitted a substitute ordinance bearing a new title.
9/16/03, ASSIGNED to Land Use Committee.

4. 031549 [Mixed-use development of affordable housing and a City office building at 10th and Market Streets]

Supervisor Daly

Resolution endorsing a term sheet describing the key terms and conditions of a mixed-use development project at 10th and Market Streets including affordable and market rate housing and a new City office building, and urging City staff to proceed with the preparation of agreements effectuating such a project.

9/16/03, RECEIVED AND ASSIGNED to Land Use Committee.

5. 031695 **[Changing Official Width of Sidewalk]**
Ordinance amending Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" by adding thereto Section 1561 to change the official sidewalk width on the south side of Market Street west of Third Street; making findings pursuant to the General Plan; and requiring relocation, modification, or both of facilities affected by the sidewalk width changes. (Public Works Department)

(No Public Benefit Recipient.)

9/30/03, RECEIVED AND ASSIGNED to Land Use Committee.

SPECIAL ORDER - 2:00 PM

6. 031714 **[San Francisco Housing Authority]**
Supervisors Maxwell, Gonzalez, Daly
Hearing to clarify the activities and responsibilities of the San Francisco Housing Authority with respect to the Request for Qualifications to Develop on Authority-Owned Land issued on July 28, 2003.

10/7/03, RECEIVED AND ASSIGNED to Land Use Committee.

ADJOURNMENT

IMPORTANT INFORMATION

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NOTE:
Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the general plan amendments or planning code and zoning map amendments described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

LEGISLATION UNDER THE 30-DAY RULE

(Not to be considered at this meeting)

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031701 **[Distribution of literature by a residential tenant in a building to other tenants in the building, regarding matters of common interest or concern to the tenancies]**

Supervisor Peskin

Ordinance adding Administrative Code Chapter 49A "Residential Tenant Communications" regarding a residential tenant's permissible use of common areas to distribute literature to other tenants in the building, including literature distributed on behalf of a tenants' association or other tenants' organization, where the literature relates to issues of common interest or concern to the building's tenancies; distribution may include placement of literature on or in front of tenant doors, with the distributor's name/address/telephone number plainly included for any tenant to opt out of future doorway distributions; and, the landlord may establish other reasonable requirements as to the time, place, manner, and volume, of such literature distribution.

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City and County of San Francisc

Meeting Agenda

Land Use Committee

Members: Jake McGoldrick, Sophie Maxwell and Tom Ammiano

Clerk: Gail Johnson

Monday, November 03, 2003 | **1:00 PM** | **City Hall, Room 263**

Regular Meeting

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AGENDA CHANGES

REGULAR AGENDA

1. 031603 **[Generation Solar: Residential and Commercial Solar Program]**
Supervisor Ammiano
Ordinance requiring the Public Utilities Commission and the Department of the Environment in consultation with other City departments to implement Generation Solar, a solar program for the residential and commercial sectors.

(No Public Benefit Recipient.)

9/23/03, RECEIVED AND ASSIGNED to Land Use Committee.

2. 031746 [Accept-Expend State Grant]

Mayor

Resolution authorizing the Department of Parking and Traffic to accept and expend a grant in the amount of $199,204 from the California Office of Traffic Safety for improving school area traffic safety.

(No Public Benefit Recipient.)

10/21/03, RECEIVED AND ASSIGNED to Land Use Committee.

3. 031691 [STOP Intersections]

Resolution designating certain intersections as "STOP" intersections.

STOP SIGNS - ESTABLISH
Le Conte and Meade Avenues, stopping both streets, making this intersection an All-Way STOP;
Teddy Avenue and Alpha Street, stopping Teddy Avenue at Alpha Street, making this intersection an All-Way STOP;
Leland Avenue and Peabody Street, stopping Leland Avenue and Peabody Street, making this uncontrolled T-intersection an All-Way STOP;
Broadway and Jones Street, stopping Jones Street, making this intersection an All-Way STOP;
Benton Avenue and Genebern Way, stopping westbound Benton Avenue at Genebern Way;
26th Avenue and Moraga Street, stopping 26th Avenue, making this intersection an All-Way STOP;
25th and Mississippi Streets, stopping both streets, making this uncontrolled T-intersection an All-Way STOP;
20th Avenue and Quintara Street, stopping Quintara Street traffic at 20th Avenue, making this intersection an All-Way STOP; and
Harney Way at Alana Way and Thomas Mellon Drive, stopping eastbound Harney Way Left Turn onto Alana Way. (Parking and Traffic Department)

9/25/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2692; No Public Benefit Recipient.)

10/1/03, RECEIVED AND ASSIGNED to Land Use Committee.

4. 031692 [Traffic Regulations]

Resolution enacting and rescinding traffic regulations on various streets.

LEFT LANE MUST TURN LEFT - ESTABLISH
Paul Avenue, eastbound, at Bayshore Boulevard.

CROSSWALK - RESCIND
Bayshore Boulevard and Oakdale Avenue, crossing Bayshore Boulevard, south side, at Oakdale Avenue.

CROSSWALK - ESTABLISH
Bayshore Boulevard and Oakdale Avenue, crossing Bayshore Boulevard, north side.

NO RIGHT TURN AFTER BALLPARK EVENTS EXCEPT TAXIS - RESCIND
NO RIGHT TURN AFTER BALLPARK EVENTS - ESTABLISH
3rd Street, northbound, at Townsend Street.

NO LEFT TURN - ESTABLISH
Woodside Avenue, eastbound, onto Youth Guidance Center/Laguna Honda Hospital access road.

NO LEFT TURN - ESTABLISH
Woodside Avenue, westbound, onto Idora Avenue.

CROSSWALK - RESCIND
Crossing Woodside Avenue, west side, at Idora Avenue.

CROSSWALK - RESCIND
Crossing Woodside Avenue, east side, at the Youth Guidance Center/Laguna Honda access road.

NO LEFT TURN, 7:00 AM to 9:00 AM AND 4:00 PM TO 6:00 PM, EXCEPT SATURDAY AND SUNDAY - RESCIND
NO LEFT TURN - ESTABLISH
Judah Street, westbound at 17th Avenue. (Parking and Traffic Department)

Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPT Order No. 2692; No Public Benefit Recipient.)

10/1/03, RECEIVED AND ASSIGNED to Land Use Committee.

5. **031693** **[Parking Regulations]**
Resolution enacting and rescinding parking regulations at various locations.

RESIDENTIAL PERMIT PARKING AREA "N" (2-HOUR TIME LIMIT, 9 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Funston Avenue, west side, between California and Clement Streets (200 block).

RESIDENTIAL PERMIT PARKING AREA "H" (2-HOUR TIME LIMIT, 8 AM - 6 PM, MONDAY THROUGH FRIDAY) - ESTABLISH
Sloat Boulevard, south side, from 20th Avenue to 100 feet easterly (300 block); and
20th Avenue, both sides, between Sloat Boulevard and Ocean Avenue (2900 block).

UNMETERED MOTORCYCLE PARKING - ESTABLISH
Fulton Street, south side, at 6th Avenue (accommodates 3 unmetered parking spaces).

TOW-AWAY, NO STOPPING ANYTIME - ESTABLISH
States Street, north side, from Corona Heights Playground to a point 26 feet westerly.

(9/25/03: Categorically exempt from Environmental Review Class 1(c)(9) changes in the traffic and parking regulations where such changes do not establish a higher speed limit or result in more than a negligible increase in the use of the street; DPW Order No. 2692; No Public Benefit Recipient.)

10/1/03, RECEIVED AND ASSIGNED to Land Use Committee.

6. **031694** **[Traffic Code - Amending Section 32.1.1 to update location of Main Public Library]**
Ordinance amending Section 32.1.1 of the San Francisco Traffic Code to update the location of parking restrictions on the blocks adjacent to the San Francisco Main Library. (Parking and Traffic Department)

(No Public Benefit Recipient.)

10/1/03, RECEIVED AND ASSIGNED to Land Use Committee.
10/15/03, SUBSTITUTED. City Attorney submitted a substitute ordinance bearing new title.
10/15/03, ASSIGNED to Land Use Committee.

7. **031729** **[Street Artist Winter Holiday Spaces]**
Resolution designating temporary selling spaces in the Downtown area and at Harvey Milk Plaza for street artists certified by the Arts Commission, City and County of San Francisco, for the winter holiday season, 2003, beginning on November 15, 2003 and ending on January 15, 2004. (Arts Commission)

(No Public Benefit Recipient.)

10/16/03, RECEIVED AND ASSIGNED to Land Use Committee.

8. 031727 [Street Encroachment at 151 24th Avenue]

Resolution granting revocable permission to Edgar N. Bogas and Desiree Goyette-Bogas to occupy a portion of the public right-of-way to construct, install and maintain a portion of a new two car garage, including new concrete retaining walls, concrete stairs, concrete terrace, grading and landscaping, within the existing landscaped portion of the 24th Avenue public right-of-way, to access and provide off-street parking for the property at 151 24th Avenue (Block 1334, Lot 004) and making findings of consistency with the priority policies of Planning Code Section 101.1. (Public Works Department)

(No Public Benefit Recipient.)

10/17/03, RECEIVED AND ASSIGNED to Land Use Committee.

9. 022030 [Major Exterior Alterations to Residential Buildings]

Supervisors McGoldrick, Ammiano, Maxwell

Ordinance amending the San Francisco Building Code by amending Section 103.3 to define "demolition" to mean only the complete removal of the structure, to define "major exterior alteration" as the removal of 75 percent or more of the exterior walls of a building or 50 percent or more of the building façade facing the street, and to impose the following additional requirements on major exterior alteration projects: expanded application requirements, inspector verification of existing conditions, prohibition on commencement of work until 15 days after permit issuance, limitations on the renewal or extension of the permit beyond three years, and establishment of penalties for violation of the requirements; amending the San Francisco Building Code by repealing Section 106.3.2.2, requiring notice of the application for a demolition permit; amending the San Francisco Planning Code by amending Sections 311 and 312 to require expanded public notice of major exterior alteration projects; requiring the Building and Planning Departments to issue implementing regulations within 90 days and report to the Board on the effectiveness of the ordinance no later than nine months thereafter; and adopting findings.

12/16/02, ASSIGNED UNDER 30 DAY RULE to Public Works and Public Protection Committee, expires on 1/15/2003.
12/30/02, REFERRED TO DEPARTMENT. Referred to Building Inspection Commission and Planning Department for review and comment.
1/22/03, REFERRED TO DEPARTMENT. RESUBMITTED to the Planning Department for review and comment.
2/4/03, TRANSFERRED to Land Use Committee. Transferred pursuant to new committee structure, 2/17/03.
3/28/03, RESPONSE RECEIVED. Certificate of Determination of Exemption/Exclusion From Environmental Review.
10/2/03, RESPONSE RECEIVED. Planning Commission Resolution No. 16667 recommending approval of proposed ordinance with suggested modificatons.

10. 031742 [Rincon Hill Draft Plan]

Supervisor McGoldrick

Hearing on the Rincon Hill Draft Plan.

10/21/03, RECEIVED AND ASSIGNED to Land Use Committee.

11. 031741 [Transbay Redevelopment Draft Plan]

Supervisor McGoldrick

Hearing on the Transbay Redevelopment Draft Plan.

10/21/03, RECEIVED AND ASSIGNED to Land Use Committee.

ADJOURNMENT

IMPORTANT INFORMATION

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NOTE:
Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the general plan amendments or planning code and zoning map amendments described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

LEGISLATION UNDER THE 30-DAY RULE

(Not to be considered at this meeting)

Rule 5.40 provides that when an ordinance or resolution is introduced which would CREATE OR REVISE MAJOR CITY POLICY, the committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction. The provisions of this rule shall not apply to the routine operations of the departments of the City or when a legal time limit controls the hearing timing. In general, the rule shall not apply to hearings to consider subject matter when no legislation has been presented, nor shall the rule apply to resolutions which simply URGE action to be taken.

031701 **[Distribution of literature by a residential tenant in a building to other tenants in the building, regarding matters of common interest or concern to the tenancies]**

Supervisor Peskin

Ordinance adding Administrative Code Chapter 49A "Residential Tenant Communications" regarding a residential tenant's permissible use of common areas to distribute literature to other tenants in the building, including literature distributed on behalf of a tenants' association or other tenants' organization, where the literature relates to issues of common interest or concern to the building's tenancies; distribution may include placement of literature on or in front of tenant doors, with the distributor's name/address/telephone number plainly included for any tenant to opt out of future doorway distributions; and, the landlord may establish other reasonable requirements as to the time, place, manner, and volume, of such literature distribution.

10/7/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 11/6/2003.

031739 **[Prohibition on Demolition of Residential Buildings With 20 or More Dwelling Units Unless the Residential Building Proposed for Demolition Requires Substantial Rehabilitation]**

Supervisor Daly

Ordinance to amend the Planning Code by adding Section 317 and by amending Sections 710.39, 711.39, 712.39, 713.39, 714.39, 715.39, 716.39, 717.39, 718.39, 719.39, 720.39, 721.39, 722.39, 723.39, 724.39, 725.39, 726.39, 727.39, 728.39, 729.39, 730.39, 813.13, 814.13, 815.13, 816.13, 817.13, 818.13, 212, 242, 243, 249.5, and 249.21 to make findings as to the need to preserve affordable housing in San Francisco and to prohibit the demolition of residential buildings with 20 or more dwelling units unless the applicant for the proposed demolition provides documentation that the residential building requires substantial rehabilitation, and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

10/21/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 11/20/2003.

031770 **[General Plan Amendments]**

Ordinance amending the Rincon Hill Area Plan of the San Francisco General Plan to make the Area Plan consistent with a new Residential/Commercial Subdistrict within the Area Plan, to amend objectives related to parking, tower separation and open space requirements, to encourage additional height within the district that would allow greater residential density, and to amend various maps within the Area Plan to reflect the new subdistrict and the new height and bulk controls and new midblock pedestrian passage way configuration, and to allow the replacement of parking currently used by Federal agencies that are located on a development site within the new subdistrict; adopting findings. (Planning Department)

(No Public Benefit Recipient.)

10/22/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 12/4/2003.

031771 **[Zoning Map Amendment]**

Ordinance amending the San Francisco Planning Code by amending the Zoning Map of the City and County of San Francisco to change the use classification, special use district classification and the height and bulk designation of the property zoned P (Public) and bounded by Spear Street, Harrison Street, Beale Street and Folsom Street (excepting the southern portion of Block 3746), and adopting findings. (Planning Department)

(No Public Benefit Recipient.)

10/22/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 12/4/2003.

031772 **[Establishing a "Residential/Commercial Subdistrict" in the Rincon Hill area]**

Ordinance amending the San Francisco Planning Code by amending Section 249.1(a) to reference "Residential/Commercial Subdistrict," add Section 249.1(b)(8) to create the "Residential/Commercial Subdistrict" generally encompassing most of the property zoned P (Public) and bounded by Spear Street, Harrison Street, Beale Street, and Folsom Street (excepting the southern portion of Block 3746 and Lot 9 of Block 3745), and to add Section 249.1(e) to create special use, density, open space, parking, street frontage, site coverage, dwelling unit exposure, height, bulk standards, and tower separation standards, for the "Residential/Commercial Subdistrict"; adopting findings. (Planning Department)

(No Public Benefit Recipient.)

10/22/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 12/4/2003.

Meeting Procedures

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Citizens are encouraged to testify at Committee meetings and to write letters to the Clerk of a Committee or to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.
Agenda are available on the internet at www.sfgov.org/bdsupvrs.bos.htm.
THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT CITY HALL, ROOM 244, RECEPTION DESK.
Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 557-4293.
Requests for language translation at a meeting must be received no later than noon the Friday before the meeting. Contact Ohn Myint at (415) 554-7704.
AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

翻譯 *必須在會議前最少四十八小時提出要求*
請電 (415) 554-7701

Disability Access

Both the Committee Room (Room 263) and the Legislative Chamber are wheelchair accessible. The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.
There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.
All meetings are real-time captioned and are cablecast open-captioned on SF Cable 26.
The following services are available when requested 48 hours before the Committee meeting. This advance notice will help ensure availability.
· For American Sign Language interpreters or use of a reader during a meeting, contact Ohn Myint at (415) 554-7704.
· For a large print copy of agenda or minutes in alternative formats, contact Annette Lonich at (415) 554-7706.
· Assistive listening devices are available from the receptionist in the Clerk of the Board's Office, Room 244, prior to the meeting.
· The Clerk of the Board's Office TTY number is (415) 554-5227.

In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The Sunshine Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Donna Hall; by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102 by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at Donna.Hall@sfgov.org
Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Hall or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfgov.org/sunshine.htm

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

BOARD of SUPERVISORS

City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

NOTICE OF CANCELLED MEETING

LAND USE COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

NOTICE IS HEREBY GIVEN that the meeting of the Land Use Committee scheduled for Monday, November 17, 2003, at 1:00 p.m., at 1 Dr. Carlton B. Goodlett Place, Room 263, City Hall, San Francisco, California, has been **cancelled**.

Gloria L. Young, Clerk of the Board

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LAND USE COMMITTEE
S.F. BOARD OF SUPERVISORS
CITY HALL, ROOM 244
1 DR. CARLTON GOODLETT PLACE
SAN FRANCISCO, CA 94102-4689

IMPORTANT HEARING NOTICE!!!

41 Library
100 Larkin Street Govt Information Center

41 Library
100 Larkin Street Govt Information Center

City and County of San Francis

Meeting Agenda

Land Use Committee

Members: Jake McGoldrick, Sophie Maxwell and Tom Ammiano

Clerk: Gail Johnson

Monday, November 24, 2003 | **1:00 PM** | **City Hall, Room 263**

Regular Meeting

Note: Each item on the Consent or Regular agenda may include the following documents:
1) Legislation
2) Budget Analyst report
3) Legislative Analyst report
4) Department or Agency cover letter and/or report
5) Public correspondence
These items will be available for review at City Hall, Room 244, Reception Desk.

Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding City representatives, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance.

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AGENDA CHANGES

REGULAR AGENDA

1. 021575 **[General Plan Amendments - 888 Howard Street Hotel]**
Supervisors Daly, Sandoval
Ordinance amending the San Francisco General Plan in connection with approval of the 888 Howard Street Hotel Project by amending Map 1 (Downtown Land Use and Density Plan) and Map 5 of the Downtown Area Plan of the General Plan to reclassify the use designation of the property located at 888 Howard Street, Lot 066 in Assessor's Block 3724, from C-3-S to C-3-S(SU) and the height and bulk of the property from 160-F to 320-S; adopting findings. (Planning Department)

9/25/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 10/30/2002.
2/4/03, TRANSFERRED to Land Use Committee. New committee structure 2/17/03.
11/18/03, SUBSTITUTED. Supervisor Daly submitted a substitute ordinance bearing new title.
11/18/03, ASSIGNED to Land Use Committee.

2. 021576 [Zoning Map Amendments - 888 Howard Street Hotel]
Supervisors Daly, Sandoval
Ordinance amending Sheets 1 and 1H of the Zoning Map of the City and County of San Francisco for property located at 888 Howard Street, Lot 066 in Assessor's Block 3724, to change the height and bulk limits of the property from 160-F To 320-S and to change the use district from C-3-S to C-3-S (SU); adopting findings. (Planning Department)

(Planning Commission Resolution #16410 approving Reclassification Application No. 2000.790ZM dated 5/23/02; Resolution #16420 approving Planning Code Tax Amendments and Reclassification Application No. 2000.790TZM on 6/6/02; Resolution #16408 approving CEQA findings for Application No. 2000.790E on 5/23/02; Motion #16409 approving Conditional Use Application No. 2000.961C on 5/23/02; Motion #16421 approving Section 309 Application No. 2000.790X on 6/6/02; Final Environmental Impact Report dated 1/10/02; Case No. 2000.790EKXCTZM; companion measure to Files 021575, and 021577.)

9/25/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 10/30/2002.
2/4/03, TRANSFERRED to Land Use Committee. New committee structure 2/17/03.

3. 021577 [Planning Code Amendments in connection with 888 Howard Street Hotel Project]
Supervisors Daly, Sandoval
Ordinance amending the San Francisco Planning Code by amending Sections 102.9, 123, Table 124 and Section 138 and by adding new Section 247, to create a C-3-S(SU) Downtown Support Special Use District within the C-3-S zoning district to allow development of a Hotel Project with a basic and maximum floor area ratio (after purchase of all market-rate, available Transfer Development Rights within the C-3-S zoning district or contribution of an equivalent amount of money under specified conditions) of 7.5 to 1, to include the new C-3-S(SU) zoning district within the definition of "gross floor area" and to provide that the minimum open space requirement for the new C-3-S(SU) zoning district is one square foot for every 50 gross square feet of uses; adopting findings. (Planning Department)

9/25/02, ASSIGNED UNDER 30 DAY RULE to Transportation and Commerce Committee, expires on 10/23/2002.
2/4/03, TRANSFERRED to Land Use Committee. New committee structure 2/17/03.
11/18/03, SUBSTITUTED. Supervisor Daly submitted a substitute ordinance bearing new tile.
11/18/03, ASSIGNED to Land Use Committee.

4. 031769 [Grant of Regional Funds]
Resolution authorizing the Municipal Transportation Agency to accept and expend $4,663,431 of Assembly Bill 664 funds for Municipal Railway Transit Projects, excluding administrative overhead costs. (Municipal Transportation Agency)

(No Public Benefit Recipient.)

10/22/03, RECEIVED AND ASSIGNED to Land Use Committee.

5. 031830 [Grant of Federal Funds]
Resolution authorizing the Municipal Transportation Agency to accept retroactively and expend $326,512 of federal Section 5309 capital assistance toward the purchase of LRVs for San Francisco's Municipal Railway, excluding Administrative Overhead Costs. (Municipal Transportation Agency)

(No Public Benefit Recipient.)

10/24/03, RECEIVED AND ASSIGNED to Land Use Committee.

6. 031497 [Extending deadlines by ten days for scheduling and/or deciding appeals under Planning Code Section 308.1 when the Board does not conduct at least three regular meetings during a deadline period]

Supervisor Gonzalez

Ordinance amending San Francisco Planning Code Section 308.1 to extend deadlines by ten days, from 30 days to 40 days, for scheduling and/or deciding appeals under Section 308.1 when the Board of Supervisors does not conduct at least three regular meetings during a deadline period.

8/25/03, RECEIVED AND ASSIGNED to Land Use Committee.
8/29/03, REFERRED TO DEPARTMENT. Transmitted to Planning Commission for public hearing and recommendation.
9/18/03, RESPONSE RECEIVED. A non-physical exemption from Environmental Review, issued by the Planning Department on 9/18/03.
11/18/03, RESPONSE RECEIVED. Planning Commission Resolution No. 16686 recommending approval of proposed ordinance.

7. 031606 [Passthrough Procedure for Utility Cost Increases]

Supervisor Peskin

Hearing to review passthrough procedure for utility cost increases. The hearing will cover the methodologies available in the Rules and Regulations for calculating passthroughs, including how to ensure landlord costs and incomes are properly accounted for in a passthrough so that landlords are not unfairly compensated and that tenants are charged only for those true costs associated with tenant usage.

9/23/03, RECEIVED AND ASSIGNED to Land Use Committee.

ADJOURNMENT

IMPORTANT INFORMATION

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LEGISLATION UNDER THE 30-DAY RULE

(Not to be considered at this meeting)

Rule 5.40 provides that when an ordinance or resolution is introduced which would CREATE OR REVISE MAJOR CITY POLICY, the committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction. The provisions of this rule shall not apply to the routine operations of the departments of the City or when a legal time limit controls the hearing timing. In general, the rule shall not apply to hearings to consider subject matter when no legislation has been presented, nor shall the rule apply to resolutions which simply URGE action to be taken.

031770 **[General Plan Amendments]**

Ordinance amending the Rincon Hill Area Plan of the San Francisco General Plan to make the Area Plan consistent with a new Residential/Commercial Subdistrict within the Area Plan, to amend objectives related to parking, tower separation and open space requirements, to encourage additional height within the district that would allow greater residential density, and to amend various maps within the Area Plan to reflect the new subdistrict and the new height and bulk controls and new midblock pedestrian passage way configuration, and to allow the replacement of parking currently used by Federal agencies that are located on a development site within the new subdistrict; adopting findings. (Planning Department)

(No Public Benefit Recipient.)

10/22/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 12/4/2003.

031771 **[Zoning Map Amendment]**

Ordinance amending the San Francisco Planning Code by amending the Zoning Map of the City and County of San Francisco to change the use classification, special use district classification and the height and bulk designation of the property zoned P (Public) and bounded by Spear Street, Harrison Street, Beale Street and Folsom Street (excepting the southern portion of Block 3746), and adopting findings. (Planning Department)

(No Public Benefit Recipient.)

10/22/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 12/4/2003.

031772 **[Establishing a "Residential/Commercial Subdistrict" in the Rincon Hill area]**

Ordinance amending the San Francisco Planning Code by amending Section 249.1(a) to reference "Residential/Commercial Subdistrict," add Section 249.1(b)(8) to create the "Residential/Commercial Subdistrict" generally encompassing most of the property zoned P (Public) and bounded by Spear Street, Harrison Street, Beale Street, and Folsom Street (excepting the southern portion of Block 3746 and Lot 9 of Block 3745), and to add Section 249.1(e) to create special use, density, open space, parking, street frontage, site coverage, dwelling unit exposure, height, bulk standards, and tower separation standards, for the "Residential/Commercial Subdistrict"; adopting findings. (Planning Department)

(No Public Benefit Recipient.)

10/22/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 12/4/2003.

031791 **[Special Use District to eliminate certain zoning requirements for residential uses in the Downtown consistent with a proposed ordinance to facilitate housing in the Downtown]**

Supervisors Peskin, Daly

Ordinance amending the San Francisco Planning Code by adding Section 249.25 to create the Downtown Housing Demonstration Special Use District encompassing the property zoned Downtown Office District (C-3-O) at the corner of Market Street, Kearny Street and Geary Avenue (690 Market Street, Assessor's Block 0311, Lot 006). The proposed Special Use District would eliminate floor area restrictions and maximum dwelling unit densities and would allow exceptions to the open space requirement and dwelling unit exposure requirements for new residential uses be granted through the process outlined in Planning Code Section 309. The proposed Special Use District would also increase the maximum height and bulk allowed in the district to 285-S, would require that residential projects be subject to the Inclusionary Housing Requirements found in Section 315(a)(2).

10/28/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 11/27/2003.
10/31/03, REFERRED TO DEPARTMENT. Transmitted to Planning Commission for public hearing and recommendation.

031792 **[Residential rent ordinance: limit permissible rent increases under a landlord's Operating and Maintenance petitions to a total of 7% for any unit in any five-year period]**

Supervisors Peskin, Daly

Ordinance amending the Residential Rent Stabilization and Arbitration Ordinance (Administrative Code Chapter 37) by amending Section 37.8(b)(1) to limit permissible rent increases based upon a landlord's Operating and Maintenance petitions, so that the same landlord may not be granted more than a total seven percent (7%) rent increase for any unit in any five (5) year period due to increases in operating and maintenance costs.

10/28/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 11/27/2003.

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BOARD of SUPERVISORS

City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

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Meeting Agenda

NOTICE OF PUBLIC HEARING

LAND USE COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

NOTICE IS HEREBY GIVEN to the general public that the Land Use Committee will hold a public hearing on **Monday, December 8, 2003, at 1:00 p.m.,** in Room 263, at City Hall, at 1 Dr. Carlton B. Goodlett Place, San Francisco, California to consider the following:

File: 031566 Resolution adopting interim controls that would subject the following properties on Third Street between Islais Creek and Paul Avenue, which are currently zoned M (Industrial), to the more restrictive controls of NC-3 (Moderate-Scale Neighborhood Commercial) for a period of twelve months: Assessor's Block 4501, Lots 001, 003, 004, and 005; Block 4881, Lots 012, 018, 022, and 024; Block 4912, Lot 006; Block 4940, Lots 012A, 012B, and 024; Block 5211, Lots 027 and 028; Block 5217, Lot 001; Block 5225, Lot 010; Block 5226, Lots 025, and 028; Block 5235, Lots 003 and 011; Block 5242, Lots 021, 022, 023, 024, and 042; Block 5253, Lots 003, 008, 029, 030, 031, 032, 033, and 034; Block 5260, Lots 001, 002, 003, 032, 034, 035 and 036; Block 5272, Lots 045 and 048; Block 5279, Lots 001, 002 and 003; Block 5414, Lots 005, 006, 007, 008, 025, 026, 027, 028, and 030; Block 5418, Lots 001, 002, and 010; Block 5419, Lots 006, 007, 007B, 007C, 009, 015, 016, 017, and 018; Block 5421, Lot 011; Block 5429, Lot 002; Block 5431A, Lots 001, 001M, 001U, 001V, and 004; adopting findings pursuant to Planning Code Section 101.1.

A copy of this measure may be reviewed or obtained during normal business hours at the Clerk's Office, Board of Supervisors, Room 244, City Hall, San Francisco, CA 94102. For more information, telephone (415) 554-5184.

Persons who are unable to attend the hearing may submit written comments regarding this matter prior to the beginning of the hearing. These comments will become part of the official public record.

Gloria L. Young, Clerk of the Board

Posted: November 26, 2003

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City and County of San Francisco

Meeting Agenda

Land Use Committee

Members: Jake McGoldrick, Sophie Maxwell and Tom Ammiano

Clerk: Gail Johnson

Monday, December 08, 2003 | **1:00 PM** | **City Hall, Room 263**

Regular Meeting

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1) Legislation
2) Budget Analyst report
3) Legislative Analyst report
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AGENDA CHANGES

REGULAR AGENDA

1. 022030 [Major Exterior Alterations to Residential Buildings]

Supervisors McGoldrick, Ammiano, Maxwell

Ordinance amending the San Francisco Building Code by amending Section 103.3 to define "demolition" to mean only the complete removal of the structure, to define "major exterior alteration" as the removal of 75 percent or more of the exterior walls of a building or 50 percent or more of the building façade facing the street, and to impose the following additional requirements on major exterior alteration projects: expanded application requirements, inspector verification of existing conditions, prohibition on commencement of work until 15 days after permit issuance, limitations on the renewal or extension of the permit beyond three years, and establishment of penalties for violation of the requirements; amending the San Francisco Building Code by repealing Section 106.3.2.2, requiring notice of the application for a demolition permit; amending the San Francisco Planning Code by amending Sections 311 and 312 to require expanded public notice of major exterior alteration projects; requiring the Building and Planning Departments to issue implementing regulations within 90 days and report to the Board on the effectiveness of the ordinance no later than nine months thereafter; and adopting findings.

12/16/02, ASSIGNED UNDER 30 DAY RULE to Public Works and Public Protection Committee, expires on 1/15/2003.
12/30/02, REFERRED TO DEPARTMENT. Referred to Building Inspection Commission and Planning Department for review and comment.
1/22/03, REFERRED TO DEPARTMENT. RESUBMITTED to the Planning Department for review and comment.
2/4/03, TRANSFERRED to Land Use Committee. Transferred pursuant to new committee structure, 2/17/03.
3/28/03, RESPONSE RECEIVED. Certificate of Determination of Exemption/Exclusion From Environmental Review.
10/2/03, RESPONSE RECEIVED. Planning Commission Resolution No. 16667 recommending approval of proposed ordinance with suggested modificatons.
11/3/03, CONTINUED. Heard in Committee. Speakers: Paul Lord, Planning Department; Frank Chiu, Director of Public Works; John Schlesinger; Daniela Kirshenbaum, Board Member, Pacific Heights Residents Association.
Continued to December 8, 2003.

2. 031566 [Interim Controls Regulating Certain Industrially-Zoned Properties on Third Street Between Islais Creek and Paul Street]

Supervisor Maxwell

Resolution adopting interim controls that would subject the following properties on Third Street between Islais Creek and Paul Avenue, which are currently zoned M (Industrial), to the more restrictive controls of NC-3 (Moderate-Scale Neighborhood Commercial) for a period of twelve months: Assessor's Block 4501, Lots 001, 003, 004, and 005; Block 4881, Lots 012, 018, 022, and 024; Block 4912, Lot 006; Block 4940, Lots 012A, 012B, and 024; Block 5211, Lots 027 and 028; Block 5217, Lot 001; Block 5225, Lot 010; Block 5226, Lots 025, and 028; Block 5235, Lots 003 and 011; Block 5242, Lots 021, 022, 023, 024, and 042; Block 5253, Lots 003, 008, 029, 030, 031, 032, 033, and 034; Block 5260, Lots 001, 002, 003, 032, 034, 035 and 036; Block 5272, Lots 045 and 048; Block 5279, Lots 001, 002 and 003; Block 5414, Lots 005, 006, 007, 008, 025, 026, 027, 028, and 030; Block 5418, Lots 001, 002, and 010; Block 5419, Lots 006, 007, 007B, 007C, 009, 015, 016, 017, and 018; Block 5421, Lot 011; Block 5429, Lot 002; Block 5431A, Lots 001, 001M, 001U, 001V, and 004; adopting findings pursuant to Planning Code Section 101.1.

9/16/03, RECEIVED AND ASSIGNED to Land Use Committee.
9/19/03, REFERRED TO DEPARTMENT. Referred to Planning Department for environmental review.
10/27/03, RESPONSE RECEIVED. Memorandum dated 10/27/03 advising that item is exempt from environmental review (General Rule Exclusion).

3. 031193 [Historic District Street Signs]

Supervisor Peskin

Ordinance adding Traffic Code Section 8 to require that the Department of Parking and Traffic provide information indicating the designated historic district on all street signs located within a historic district.

7/8/03, RECEIVED AND ASSIGNED to Land Use Committee.

4. 031701 [Distribution of literature by a residential tenant in a building to other tenants in the building, regarding matters of common interest or concern to the tenancies]

Supervisor Peskin

Ordinance adding Administrative Code Chapter 49A "Residential Tenant Communications" regarding a residential tenant's permissible use of common areas to distribute literature to other tenants in the building, including literature distributed on behalf of a tenants' association or other tenants' organization, where the literature relates to issues of common interest or concern to the building's tenancies; distribution may include placement of literature on or in front of tenant doors, with the distributor's name/address/telephone number plainly included for any tenant to opt out of future doorway distributions; and, the landlord may establish other reasonable requirements as to the time, place, manner, and volume, of such literature distribution.

10/7/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 11/6/2003.

5. 031833 [Denying taxi driver permits to applicants having certain criminal convictions within four years]

Ordinance amending the San Francisco Police Code by amending Section 1089, to provide that persons having certain criminal convictions shall not be eligible to receive a taxi driver permit for four years after the date of conviction. (Taxi Commission)

(No Public Benefit Recipient.)

11/4/03, RECEIVED AND ASSIGNED to Land Use Committee.

6. 031832 [Designating 2926-2948 16th Street, the Labor Temple/Redstone Building, As a Landmark Under Planning Code Article 10]

Supervisor Daly

Ordinance Designating 2926-2948 16th Street, the Labor Temple/Redstone Building, As Landmark No. 238 Pursuant To Article 10, Sections 1004 And 1004.4 Of The Planning Code. (Planning Department)

(No Public Benefit Recipient.)

11/6/03, RECEIVED AND ASSIGNED to Land Use Committee.

ADJOURNMENT

IMPORTANT INFORMATION

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NOTE:
Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the general plan amendments or planning code and zoning map amendments described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

LEGISLATION UNDER THE 30-DAY RULE

(Not to be considered at this meeting)

Rule 5.40 provides that when an ordinance or resolution is introduced which would CREATE OR REVISE MAJOR CITY POLICY, the committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction. The provisions of this rule shall not apply to the routine operations of the departments of the City or when a legal time limit controls the hearing timing. In general, the rule shall not apply to hearings to consider subject matter when no legislation has been presented, nor shall the rule apply to resolutions which simply URGE action to be taken.

031879 **[Residential Rent Ordinance-Keys]**
Supervisor Daly
Ordinance amending Administrative Code Chapter 37 ("Residential Rent Stabilization and Arbitration Ordinance") by renumbering existing Section 37.13 as 37.14 and renumbering existing Section 37.14 as 37.15, and by adding new Section 37.13 to provide that: each adult occupant is entitled to a minimum of one key/key-set for the unit without charge; upon written request for extra keys/key-sets stating the reason(s) (e.g., for the convenience of the occupant, such as admitting a service provider or a delivery person or a houseguest) a landlord shall provide the requested extra keys/key-sets unless the landlord promptly denies the request in writing as unreasonable (e.g., due to unlawful occupancy or a pattern of lease violation); a request for an extra key/key-set may only be denied for good reason; unreasonable denial of an extra key/key-set constitutes a decrease in housing services; and, a landlord or a tenant may file a petition for hearing on a disputed request for an extra key/key-set, which shall be decided by an Administrative Law Judge (ALJ), with the ALJ decision appealable to the Rent Board.

11/18/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 12/18/2003.

031880 **[Amending Fire Code to require self-contained breathing replenishment systems in high rise building]**

Supervisors Dufty, Daly

Ordinance amending San Francisco Fire Code by adding Section 9001.1.4 to require self-contained breathing replenishment systems in high rise buildings where permits have been issued after June 30, 2004.

11/18/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 12/18/2003.

031930 **[Planning Code Amendments - The Old Mint]**

Supervisor Peskin

Ordinance amending the San Francisco Planning Code by amending Section 128 to allow a City-owned landmark in a P (Public) zoning district that is adjacent to properties zoned C-3 (Downtown Commercial) to sell Transferable Development Rights and by amending Section 149 to authorize the landmark to receive artwork contributions in order to finance rehabilitation and restoration of the exterior of the property; adopting findings.

11/25/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 12/25/2006.

Meeting Procedures

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City and County of San Francisc

Meeting Agenda

Land Use Committee

Members: Jake McGoldrick, Sophie Maxwell and Tom Ammiano

Clerk: Gail Johnson

Monday, December 15, 2003 | **1:00 PM** | **City Hall, Room 263**

Regular Meeting

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AGENDA CHANGES

REGULAR AGENDA

1. **031897** **[Grant of Federal Funds]**
Resolution authorizing the Municipal Transportation Agency to accept and expend $1,475,374 of New Start Federal Capital Assistance for the Third Street - Phase II, Central Subway project, excluding administrative overhead costs. (Municipal Transportation Agency)

(No Public Benefit Recipient.)

11/21/03, RECEIVED AND ASSIGNED to Land Use Committee.

2. **031898** **[Grant of Federal Funds]**
Resolution authorizing the Municipal Transportation Agency Board of Directors to accept and expend $4,918,393 of Federal Earmarked Capital Assistance for design and construction of Muni's Islais Creek Facility and security-related activities. (Municipal Transportation Agency)

(No Public Benefit Recipient.)

11/21/03, RECEIVED AND ASSIGNED to Land Use Committee.

3. 031899 [Accept-Expend Federal Grant]

Resolution authorizing the Municipal Transportation Agency to accept retroactively and expend a grant in the amount of $123,600 from the Metropolitan Transportation Commission for development and production of the Municipal Railway's Short Range Transit Plans for Fiscal Year 2002 and Fiscal Year 2004. (Municipal Transportation Agency)

(No Public Benefit Recipient.)

11/21/03, RECEIVED AND ASSIGNED to Land Use Committee.

4. 031623 [African American Cultural and Entertainment Center]

Supervisors Maxwell, Daly, Ma, Newsom, Sandoval, McGoldrick, Hall

Resolution welcoming the African American Cultural and Entertainment Center (AACEC) to San Francisco and urging the San Francisco Port Commission to negotiate with the AACEC development team.

9/23/03, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.
9/30/03, REFERRED to Finance and Audits Committee.
11/26/03, TRANSFERRED to Land Use Committee.

5. 031193 [Historic District Street Signs]

Supervisor Peskin

Ordinance adding Traffic Code Section 8 to require that the Department of Parking and Traffic provide information indicating the designated historic district on all street signs located within a historic district.

7/8/03, RECEIVED AND ASSIGNED to Land Use Committee.
12/8/03, CONTINUED. Speakers: None.
Continued to 12/15/03.

6. 031034 [Planning Code - Northeast Waterfront Historic District Signs]

Supervisor Peskin

Ordinance amending the Planning Code by creating section 608.15 to establish the Northeast Waterfront Special Sign District, creating section 609.14 to address amortization of nonconforming signs in this District, amending section 608 and Article 10, Appendix D, section 7 to be consistent with this Ordinance, amending the Zoning Map Sectional Map SSD-1 to show the boundaries of this District, and making findings of consistency with the General Plan and priority policies of Planning Code section 101.1.

6/3/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 7/3/2003.
6/10/03, REFERRED TO DEPARTMENT. Transmitted to Planning Commission for public hearing and recommendation.
8/6/03, RESPONSE RECEIVED. Notification of Project Receiving Environmental Review, dated August 4, 2003.
10/16/03, RESPONSE RECEIVED. Planning Commission Resolution No. 16673 adopted October 2, 2003, recommending approval of proposed ordinance with suggested modifications. Received Certificate of Exemption from environmental review dated September 4, 2003.

7. 031792 [Residential rent ordinance: limit permissible rent increases under a landlord's Operating and Maintenance petitions to a total of 7% for any unit in any five-year period]

Supervisors Peskin, Daly

Ordinance amending the Residential Rent Stabilization and Arbitration Ordinance (Administrative Code Chapter 37) by amending Section 37.8(b)(1) to limit permissible rent increases based upon a landlord's Operating and Maintenance petitions, so that the same landlord may not be granted more than a total seven percent (7%) rent increase for any unit in any five (5) year period due to increases in operating and maintenance costs.

10/28/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 11/27/2003.

8. 031957 [Mission Bay Owens Street at Park P1 Improvements]

Ordinance designating a portion of State Trust Parcel 2 adjacent to Park P1 for public right-of-way purposes; approving a map showing such areas and declaring such areas to be open public right-of-way; naming the new right-of-way (Channel); designating street grades, sidewalk widths, and street parking restrictions; accepting the irrevocable offer for the acquisition facilities; designating said facilities to public use and accepting for maintenance responsibilities and liability purposes, subject to specified limitations; accepting an agreement relating to temporary City access, subject to specified limitations; adopting findings that such actions are consistent with the City's General Plan, eight priority policy findings of City Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 174,529 and authorizing official acts in connection with this ordinance. (Public Works Department)

(No Public Benefit Recipient.)

11/24/03, RECEIVED AND ASSIGNED to Land Use Committee.

9. 031958 [Mission Bay Third Street/16th Street Utility Project]

Ordinance recommending the recordation of the conditional irrevocable offer of portions of property adjacent to Third Street; accepting portions of the irrevocable offer for the joint trench acquisition facilities and rejecting the offer of the Pacific Gas & Electric facilities; dedicating said accepted acquisition facilities for right-of-way purposes; designating said accepted acquisition facilities for public use and designating said accepted acquisition facilities for maintenance purposes; accepting the Easement Agreement for public utility purposes; adopting findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code section 101.1, and the Mission Bay South Redevelopment Plan; accepting Department of Public Works Order No. 174,530; and authorizing official acts in connection with this ordinance. (Public Works Department)

(No Public Benefit Recipient.)

11/24/03, RECEIVED AND ASSIGNED to Land Use Committee.

ADJOURNMENT

IMPORTANT INFORMATION

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LEGISLATION UNDER THE 30-DAY RULE

(Not to be considered at this meeting)

Rule 5.40 provides that when an ordinance or resolution is introduced which would CREATE OR REVISE MAJOR CITY POLICY, the committee to which the legislation is assigned shall not consider the legislation until at least thirty days after the date of introduction. The provisions of this rule shall not apply to the routine operations of the departments of the City or when a legal time limit controls the hearing timing. In general, the rule shall not apply to hearings to consider subject matter when no legislation has been presented, nor shall the rule apply to resolutions which simply URGE action to be taken.

031879 **[Residential Rent Ordinance-Keys]**
Supervisor Daly
Ordinance amending Administrative Code Chapter 37 ("Residential Rent Stabilization and Arbitration Ordinance") by renumbering existing Section 37.13 as 37.14 and renumbering existing Section 37.14 as 37.15, and by adding new Section 37.13 to provide that: each adult occupant is entitled to a minimum of one key/key-set for the unit without charge; upon written request for extra keys/key-sets stating the reason(s) (e.g., for the convenience of the occupant, such as admitting a service provider or a delivery person or a houseguest) a landlord shall provide the requested extra keys/key-sets unless the landlord promptly denies the request in writing as unreasonable (e.g., due to unlawful occupancy or a pattern of lease violation); a request for an extra key/key-set may only be denied for good reason; unreasonable denial of an extra key/key-set constitutes a decrease in housing services; and, a landlord or a tenant may file a petition for hearing on a disputed request for an extra key/key-set, which shall be decided by an Administrative Law Judge (ALJ), with the ALJ decision appealable to the Rent Board.

11/18/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 12/18/2003.

031880 **[Amending Fire Code to require self-contained breathing replenishment systems in high rise building]**

Supervisors Dufty, Daly

Ordinance amending San Francisco Fire Code by adding Section 9001.1.4 to require self-contained breathing replenishment systems in high rise buildings where permits have been issued after June 30, 2004.

11/18/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 12/18/2003.

031930 **[Planning Code Amendments - The Old Mint]**

Supervisor Peskin

Ordinance amending the San Francisco Planning Code by amending Section 128 to allow a City-owned landmark in a P (Public) zoning district that is adjacent to properties zoned C-3 (Downtown Commercial) to sell Transferable Development Rights and by amending Section 149 to authorize the landmark to receive artwork contributions in order to finance rehabilitation and restoration of the exterior of the property; adopting findings.

11/25/03, ASSIGNED UNDER 30 DAY RULE to Land Use Committee, expires on 12/25/2006.
12/2/03, REFERRED TO DEPARTMENT. Transmitted to Planning Commission for public hearing and recommendation.

Meeting Procedures

The Board of Supervisors is the Legislative Body of the City and County of San Francisco. The Board has several standing Committees where ordinances and resolutions are the subject of hearings at which members of the public are urged to testify. The full Board does not hold a second public hearing on measures which have been heard in committee.

Board procedures do not permit: 1) persons in the audience at a Committee meeting to vocally express support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones, pagers, and similar sound-producing electronic devices; 3) signs to be brought into the meeting or displayed in the room; 4) standing in the meeting room.

Citizens are encouraged to testify at Committee meetings and to write letters to the Clerk of a Committee or to its members, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102.

Agenda are available on the internet at www.sfgov.org/bdsupvrs.bos.htm.

THE AGENDA PACKET IS AVAILABLE FOR REVIEW AT CITY HALL, ROOM 244, RECEPTION DESK.

Board meetings are cablecast on SF Cable 26. For video tape copies and scheduling call (415) 557-4293.

Requests for language translation at a meeting must be received no later than noon the Friday before the meeting. Contact Ohn Myint at (415) 554-7704.

AVISO EN ESPAÑOL: La solicitud para un traductor en una reunion debe recibirse antes de mediodia de el viernes anterior a la reunion. Llame a Erasmo Vazquez (415) 554-4909.

翻譯 *必須在會議前最少四十八小時提出要求*
請電 (415) 554-7701

Disability Access

Both the Committee Room (Room 263) and the Legislative Chamber are wheelchair accessible. The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142.

There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.

All meetings are real-time captioned and are cablecast open-captioned on SF Cable 26.

The following services are available when requested 48 hours before the Committee meeting. This advance notice will help ensure availability.

· For American Sign Language interpreters or use of a reader during a meeting, contact Ohn Myint at (415) 554-7704.

· For a large print copy of agenda or minutes in alternative formats, contact Annette Lonich at (415) 554-7706.

· Assistive listening devices are available from the receptionist in the Clerk of the Board's Office, Room 244, prior to the meeting.

· The Clerk of the Board's Office TTY number is (415) 554-5227.

In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The Sunshine Ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Donna Hall; by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102 by phone at (415) 554-7724, by fax at (415) 554-7854 or by email at Donna.Hall@sfgov.org
Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Hall or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfgov.org/sunshine.htm

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

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